

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 3321

By: Osburn

6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2021, Section 983, as last amended by Section 2,  
9 Chapter 211, O.S.L. 2024 (22 O.S. Supp. 2025, Section  
10 983), which relates to financial obligations in  
11 criminal cases; deleting certain defined term;  
12 authorizing civil enforcement actions for  
13 noncompliance of payment plans; updating summons form  
14 to advise defendants of possible civil enforcement  
15 actions; deleting procedures for making referrals to  
16 the court cost compliance program; authorizing civil  
17 enforcement actions for delinquent court financial  
18 obligations; allowing for garnishments and other  
19 civil enforcement actions; removing procedures  
20 related to persons arrested pursuant to cost arrest  
21 warrants; deleting directive requiring utilization of  
22 court costs compliance program and referral  
23 procedures; repealing 19 O.S. 2021, Sections 514.4,  
24 as last amended by Section 1, Chapter 211, O.S.L.  
25 2024, and 514.5, as amended by Section 2, Chapter  
26 247, O.S.L. 2023 (19 O.S. Supp. 2025, Sections 514.4  
27 and 514.5), which relate to the court cost compliance  
28 program and administrative costs for cases referred  
29 to the court cost compliance program; and providing  
30 an effective date.

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

1 SECTION 1. AMENDATORY 22 O.S. 2021, Section 983, as last  
2 amended by Section 2, Chapter 211, O.S.L. 2024 (22 O.S. Supp. 2025,  
3 Section 983), is amended to read as follows:

4 Section 983. A. As used in this section, unless the context  
5 otherwise requires:

6 1. ~~"Cost arrest warrant"~~ means a warrant authorizing arrest  
7 ~~that is issued by a court under the following circumstances:~~

- 8 a. ~~failure to comply with the terms of a court financial~~  
9 ~~obligations payment plan,~~
- 10 b. ~~failure to appear at a cost hearing or willfulness~~  
11 ~~hearing, or~~
- 12 c. ~~failure to appear at the office of the court clerk of~~  
13 ~~the county in which the court financial obligation is~~  
14 ~~owed within ten (10) days of being cited by a law~~  
15 ~~enforcement officer to appear;~~

16 2. "Cost cite and release warrant" means a warrant issued by a  
17 court authorizing citation and release under the following  
18 circumstances:

- 19 a. failure to comply with terms of a court financial  
20 obligations payment plan, or
- 21 b. failure to appear at a cost hearing or willfulness  
22 hearing;

23 3. 2. "Cost hearing" means a hearing in which the court  
24 determines the ability of a defendant to pay court financial

1 obligations. Once a cost hearing date has been set, all court  
2 financial obligations shall be suspended until the cost hearing has  
3 been held;

4 4. 3. "Court financial obligation" means all financial  
5 obligations, including fines, costs, fees, and assessments, imposed  
6 by the court or required by law to be paid, excluding restitution or  
7 payments to be made other than to the court clerk;

8 5. 4. "Payment-in-full" means a court financial payment term  
9 that requires the defendant to pay the full amount of court  
10 financial obligations owed within ninety (90) days of a plea or  
11 sentence in the district court or within thirty (30) days of a plea  
12 or sentence in the municipal court;

13 6. 5. "Payment-in-installments" means payment terms for court  
14 financial obligations that require the defendant to make monthly  
15 payments in any amount until the amount owed is fully paid; and

16 7. 6. "Willfulness hearing" means a hearing in which the court  
17 determines whether a defendant who has previously been found to have  
18 the ability to pay court financial obligations has willfully failed  
19 to pay the debt.

20 B. 1. Except in cases provided for in Section 983b of this  
21 title, when the judgment and sentence of a court, either in whole or  
22 in part, imposes court financial obligations upon a defendant, the  
23 court at the time of sentencing may immediately, or at any point  
24 thereafter until the debt is either paid or waived, determine the

1 ability of a defendant to pay the court financial obligations. The  
2 court may make such determinations at a cost hearing or upon written  
3 motion or affidavit by the defendant. The ability of a defendant to  
4 pay court financial obligations may not impact the sentence imposed.

5 2. Defendants with court financial obligations who are found by  
6 the court to be unable to pay, in whole or in part, shall be  
7 relieved of the debt by the court through a hardship waiver of the  
8 court financial obligations, either in whole or in part.

9 3. In determining the ability of a defendant to pay, the court  
10 shall consider the following factors:

- 11 a. individual and household income,
- 12 b. household living expenses,
- 13 c. number of dependents,
- 14 d. assets,
- 15 e. child support obligations,
- 16 f. physical or mental health conditions that diminish the  
17 ability to generate income or manage resources,
- 18 g. additional case-related expenses to be paid by the  
19 defendant, and
- 20 h. any other factors relevant to the ability of the  
21 defendant to pay.

22 4. In determining the ability of a defendant to pay, the  
23 following shall not be considered as income or assets:

24 a. child support income,

1                   b. any monies received from a federal, state, or tribal  
2                   government need-based or disability assistance  
3                   program, or  
4                   c. assets exempt from bankruptcy.

5               5. Defendants in the following circumstances are presumed

6               unable to pay and eligible for relief under paragraph 2 of this  
7               subsection:

8                   a. designated as totally disabled by any federal, state,  
9                   or tribal disability services program including but  
10                  not limited to military disability, Social Security  
11                  Disability Insurance, Supplemental Security Income, or  
12                  tribal disability benefits,

13                  b. receives support from the Temporary Assistance for  
14                  Needy Families program, Supplemental Nutrition  
15                  Assistance Program, the Special Supplemental Nutrition  
16                  Program for Women, Infants, and Children nutrition  
17                  education and supplemental food program, or any other  
18                  federal need-based financial support,

19                  c. receives subsidized housing support through the  
20                  Housing Choice Voucher program, the United States  
21                  Department of Housing and Urban Development, or other  
22                  state, local, or federal government housing subsidy  
23                  program, or

d. total income is below one hundred fifty percent (150%) of the federal poverty level.

3 C. 1. At the time of a plea or sentencing, the court shall  
4 inform the defendant of the total court financial obligations owed,  
5 the consequences of failing to pay the court financial obligations,  
6 and that the defendant may request a cost hearing if at any time he  
7 or she is unable to pay the court financial obligations, at which  
8 point the court may waive all or part of the debt owed. If the  
9 total amount of court financial obligations owed is not available at  
10 the time of the plea or sentencing, the court shall inform the  
11 defendant that court financial obligations have been incurred and  
12 the time and location where the defendant may learn of the total  
13 amount owed.

14       2. The court shall order the defendant to appear immediately  
15 after sentencing at the office of the court clerk to provide current  
16 contact information and to either select payment terms or request a  
17 cost hearing. Failure to immediately report to the court clerk  
18 shall result in the full amount of court financial obligations to be  
19 due thirty (30) days from the date of the plea or sentencing in  
20 district courts or thirty (30) days from the date of the plea or  
21 sentencing in municipal courts.

22       3. Payment of court financial obligations may be made under the  
23 following terms:

24 a. payment in full, or

b. payment in installments.

Upon any change in circumstances affecting the ability of a defendant to pay, a defendant may request a cost hearing before the court by contacting the court clerk.

4. The district court for each county and all municipal courts  
shall provide a cost hearing for any defendant upon request, either  
by establishing a dedicated docket or on an as-requested basis. A  
defendant who requests a cost hearing will receive a summons by  
personal service or by United States mail to appear in court as  
required by subsection G of this section. If a defendant fails to  
appear for a requested cost hearing, the court may issue either a  
cost cite and release warrant ~~or a cost arrest warrant~~. No fees  
shall be assessed or collected from the defendant as a consequence  
of either requesting a cost hearing or the issuing of a cost cite  
and release warrant.

16       D. In determining the ability of the defendant to pay court  
17 financial obligations, the court may rely on testimony, relevant  
18 documents, and any information provided by the defendant using a  
19 cost hearing affidavit promulgated by the Court of Criminal Appeals.  
20 In addition, the court may make inquiry of the defendant and  
21 consider any other evidence or testimony concerning the ability of  
22 the defendant to pay.

23       E. 1. If at the initial cost hearing or any subsequent cost  
24 hearing, the court determines that the defendant is able to pay some

1 or all of the court financial obligations, the court may order any  
2 of the following conditions for payment:

- 3 a. payment in full,
- 4 b. payment in installments,
- 5 c. financial incentive under a set of conditions  
6 determined by the court, or
- 7 d. community service in lieu of payment; provided, the  
8 defendant shall receive credit for no less than two  
9 times the amount of the minimum wage specified  
10 pursuant to state law for each hour of community  
11 service.

12 2. Any defendant who fails to comply with the terms of the  
13 payment plan ordered by the court shall be considered delinquent and  
14 the court may issue either a cost cite and release warrant or ~~a cost~~  
15 ~~arrest warrant~~ the court clerk may pursue a civil enforcement action  
16 as provided in subsection H of this section.

17 F. If the court determines that a waiver of any of the court  
18 financial obligations is warranted, the court shall apply the same  
19 percentage reduction equally to all fines, costs, fees, and  
20 assessments, excluding restitution.

21 G. 1. A defendant is considered delinquent in the payment of  
22 court financial obligations under the following circumstances:

- 23 a. when the total amount due has not been paid by the due  
24 date, or

b. when no installment payments have been received in the most recent ninety-day period.

3       2. The court clerk shall periodically review cases for  
4 delinquency at least once every six (6) months and, upon identifying  
5 a delinquent defendant, notify the court which shall, within ten  
6 (10) days thereafter, set a cost hearing for the court to determine  
7 if the defendant is able to pay. The cost hearing shall be set  
8 within forty-five (45) days of the issuance of the summons. The  
9 hearing shall be set on a date that shall allow the court clerk to  
10 issue a summons fourteen (14) days prior to the cost hearing.  
11 Defendants shall incur no additional fees associated with the  
12 issuance of the summons.

13       3. At least fourteen (14) days prior to the cost hearing, the  
14 court clerk shall issue one summons to the defendant to be served by  
15 United States mail to the mailing address of the defendant on file  
16 in the case, substantially as follows:

## SUMMONS

18 You are ORDERED to appear for a COST HEARING at a specified  
19 time, place, and date to determine if you are financially able to  
20 pay the fines, costs, fees, or assessments or an installment due in  
21 Case No. \_\_\_\_\_.

22 | YOU MUST BE PRESENT AT THE HEARING.

23 At any time before the date of the cost hearing, you may contact  
24 the court clerk and pay the amount due or request in writing or in

1 person prior to the court date, that the hearing be rescheduled for  
2 no later than thirty (30) days after the scheduled time.

3 THIS IS NOT AN ARREST WARRANT. However, if you fail to appear  
4 for the cost hearing or pay the amount due, the court clerk may  
5 issue a ~~WARRANT~~ and may refer the case to a court cost compliance  
6 liaison which will cause an additional administrative fee of up to  
7 thirty-five percent (35%) to be added to the amount owed and may  
8 include additional costs imposed by the court pursue a civil  
9 enforcement action.

10 4. ~~Referrals to the court cost compliance program as provided~~  
11 in subsection L of this section shall be made as follows:

- 12 a. ~~courts shall refer a case to the court cost compliance~~  
13 ~~program upon the issuance of a cost arrest warrant,~~
- 14 b. ~~courts may refer a case to the court cost compliance~~  
15 ~~program upon the issuance of a cost cite and release~~  
16 ~~warrant, or~~
- 17 c. ~~courts may refer a case to the court cost compliance~~  
18 ~~program without the issuance of a warrant; provided,~~  
19 ~~the defendant is delinquent and has had sufficient~~  
20 ~~notice and opportunity to have a cost hearing.~~

21 5. A municipal court, in lieu of mailing the summons provided  
22 for in this subsection, may give the summons to the defendant in  
23 person at the time of sentencing or subsequent appearance of a  
24 specific date, time, and place, not fewer than thirty (30) days nor

1 more than one hundred twenty (120) days from the date of sentencing  
2 to appear for a cost hearing if the court financial obligations  
3 remain unpaid.

4 H. 1. If a defendant is found by a law enforcement officer to  
5 have an outstanding cost cite and release warrant, the law  
6 enforcement officer shall issue a Warning/Notice to appear within  
7 ten (10) days of release from detention on the warrant to the court  
8 clerk of the court in which the court financial obligations are  
9 owed. If the officer has the necessary equipment, the officer shall  
10 immediately transmit the Warning/Notice electronically to the court  
11 clerk of the court in which the court financial obligations are  
12 owed. The law enforcement officer shall not take the defendant into  
13 custody on the cite and release warrant. If the law enforcement  
14 officer is unable to transmit the Warning/Notice electronically to  
15 the court clerk, the officer shall inform the appropriate department  
16 staff member within the agency of the law enforcement officer of the  
17 Warning/Notice within five (5) days. The department staff member  
18 shall then promptly notify the law enforcement agency in the  
19 jurisdiction that issued the warrant electronically, who shall  
20 promptly notify the court clerk. The electronic communication shall  
21 be treated as a duplicate original for all purposes in any  
22 subsequent hearings before the appropriate court.

23 2. If the defendant reports to the office of the court clerk  
24 within the ten (10) days, the court clerk shall:

1                   a. inform the court of the Warning/Notice to the  
2                   defendant and contact,  
3                   b. schedule a cost hearing pursuant to applicable local  
4                   court rule, and  
5                   c. submit the warrant to the court for recall pending the  
6                   cost hearing.

7                   3. If the defendant fails to report to the office of the court  
8                   clerk within the ten (10) days, the court clerk may ~~issue a cost~~  
9                   ~~arrest warrant for the arrest of the defendant~~ initiate a civil  
10                  enforcement action to collect delinquent court financial  
11                  obligations. A civil enforcement action may include, but is not  
12                  limited to:

13                  a. garnishment, as governed by Sections 1171 through 1196  
14                  of Title 12 of the Oklahoma Statutes, or  
15                  b. other civil enforcement actions allowed by Oklahoma  
16                  law.

17                  4. ~~Following an arrest on a cost arrest warrant, the defendant~~  
18                  ~~must be released after seventy two (72) hours in custody. The~~  
19                  ~~defendant may be released prior to seventy two (72) hours if:~~

20                  a. ~~the custodian is presented with proof of payment in~~  
21                  ~~the amount of One Hundred Dollars (\$100.00) to each~~  
22                  ~~jurisdiction where the court financial obligations are~~  
23                  ~~owed and the new cost hearing date is provided,~~

1                   b. ~~the court releases the defendant on the defendant's~~  
2                    ~~own recognizance and a new cost hearing date is~~  
3                    ~~provided, or~~  
4                   c. ~~the court conducts a cost or willfulness hearing, as~~  
5                    ~~appropriate, pursuant to the provisions of this~~  
6                    ~~section and determines the defendant should be~~  
7                    ~~released.~~

8               5. The provisions for issuing a separate summons described in  
9               subsection G of this section shall not apply to a municipal court if  
10          the municipal court has previously provided actual personal notice  
11          to the defendant of an opportunity for a cost hearing. If such  
12          notice was given and the defendant fails to appear, the municipal  
13          court may issue ~~either~~ a cost cite and release warrant ~~or a cost~~  
14          ~~arrest warrant.~~

15       6. 5. All warrants for failure to appear at a cost hearing or  
16          for failure to pay court financial obligations which have been  
17          issued prior to the effective date of this act and which remain  
18          unserved, shall be treated as cost cite and release warrants. All  
19          warrant fees assessed for warrants for failure to appear at a cost  
20          hearing or for failure to pay court financial obligations issued  
21          prior to the effective date of this act shall remain in effect  
22          unless waived by the court.

23       I. Supporting documents in a motion or affidavit for relief  
24          from court financial obligation debt or any documents taken into

1 evidence during a cost hearing or willfulness hearing shall not be  
2 viewable by the public on a court-controlled website.

3 J. 1. After a cost hearing where a defendant is found able to  
4 pay a court financial obligation, either in whole or in part, and  
5 then becomes delinquent in that payment, a court may conduct a  
6 willfulness hearing at any time beginning immediately after a cost  
7 hearing has been held and a decision rendered on the court financial  
8 obligations. Findings of a defendant's prior ability to pay may be  
9 considered as evidence of ability to pay or willfulness at the  
10 hearing. The requirements of this paragraph shall not be construed  
11 to prohibit the court from holding subsequent cost hearings on the  
12 same court financial obligations.

13 2. At a willfulness hearing, the court shall evaluate the  
14 following:

15 a. whether a cost hearing has been held previously where  
16 evidence relating to ability to pay was presented and  
17 the court found the defendant was able to pay the  
18 court financial obligations, either in whole or in

19 part,

20 b. whether there is any new evidence of ability to pay  
21 not previously considered or a change in circumstances  
22 since the cost hearing,

- c. whether the defendant was afforded sufficient time and opportunity to fulfill the obligation to pay the court financial obligations,
- d. whether the defendant made any efforts to satisfy the court financial obligations, and
- e. whether there are any other relevant facts or circumstances.

8       3. After a finding of willful failure to pay court financial  
9 obligations, the court may impose a jail sentence pursuant to  
10 Section 101 of Title 28 of the Oklahoma Statutes. A jail sentence  
11 may be imposed only under the following circumstances:

- a. the hearing is conducted on the record pursuant to the rules promulgated by the Court of Criminal Appeals, and
- b. the defendant is represented by counsel or expressly waives his or her right to counsel.

17       4. If a jail sentence is imposed, the court may grant credit  
18 for any time already served. At any time after incarceration, the  
19 jail sentence may be satisfied upon payment in full of the  
20 outstanding balance with credit for any time already served.

21           K. The district court or municipal court, within one hundred  
22 twenty (120) days from the date upon which the person fails to  
23 comply with the financial obligation as ordered by the court or  
24 fails to appear for the offered cost or willfulness hearing, may, if

1 the defendant has previously been notified of the possibility of a  
2 suspension, send notice of nonpayment of any court-ordered financial  
3 obligation for a moving traffic violation to Service Oklahoma with a  
4 recommendation of suspension of driving privileges of the defendant  
5 until the total amount of any court financial obligation has been  
6 paid or waived by the court. Upon receipt of payment of the total  
7 amount of the court financial obligations for the moving traffic  
8 violation, the court shall send notice thereof to Service Oklahoma,  
9 if a nonpayment notice was sent as provided for in this subsection.  
10 Notices sent to Service Oklahoma shall be on forms or by a method  
11 approved by Service Oklahoma.

12 ~~L. Every county and district court of this state shall fully~~  
13 ~~utilize and participate in the court cost compliance program. Cases~~  
14 ~~shall be referred to the court cost compliance program no more than~~  
15 ~~sixty (60) days after the court has ordered the referral pursuant to~~  
16 ~~paragraph 4 of subsection C of this section, unless the defendant~~  
17 ~~pays the amount owed on the court financial obligation or an~~  
18 ~~installment due. When the court refers a case, the updated contact~~  
19 ~~information on file shall be forwarded to a court cost compliance~~  
20 ~~liaison for collection purposes.~~

21 ~~M.~~ The Court of Criminal Appeals shall implement procedures and  
22 rules for implementation of the requirements of this section. Such  
23 procedures, rules, and any supplemental forms may be made available  
24 by the Administrative Office of the Courts.

1 SECTION 2. REPEALER 19 O.S. 2021, Sections 514.4, as  
2 last amended by Section 1, Chapter 211, O.S.L. 2024, and 514.5, as  
3 amended by Section 2, Chapter 247, O.S.L. 2023 (19 O.S. Supp. 2025,  
4 Sections 514.4 and 514.5), are hereby repealed.

5 SECTION 3. This act shall become effective November 1, 2026.

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7 60-2-13962 GRS 01/10/25  
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