

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3321

By: Osburn

AS INTRODUCED

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

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

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

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

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

a. ~~failure to comply with the terms of a court financial obligations payment plan,~~

b. ~~failure to appear at a cost hearing or willfulness hearing, or~~

c. ~~failure to appear at the office of the court clerk of the county in which the court financial obligation is owed within ten (10) days of being cited by a law enforcement officer to appear;~~

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

a. failure to comply with terms of a court financial obligations payment plan, or

b. failure to appear at a cost hearing or willfulness hearing;

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

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

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

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

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

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

B. 1. Except in cases provided for in Section 983b of this title, when the judgment and sentence of a court, either in whole or in part, imposes court financial obligations upon a defendant, the court at the time of sentencing may immediately, or at any point 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
24

1 d. total income is below one hundred fifty percent (150%)
2 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

1 b. payment in installments.

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

5 4. The district court for each county and all municipal courts
6 shall provide a cost hearing for any defendant upon request, either
7 by establishing a dedicated docket or on an as-requested basis. A
8 defendant who requests a cost hearing will receive a summons by
9 personal service or by United States mail to appear in court as
10 required by subsection G of this section. If a defendant fails to
11 appear for a requested cost hearing, the court may issue ~~either a~~
12 ~~cost cite and release warrant or a cost arrest warrant.~~ No fees
13 shall be assessed or collected from the defendant as a consequence
14 of either requesting a cost hearing or the issuing of a cost cite
15 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

1 b. when no installment payments have been received in the
2 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:

17 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:

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

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

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

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

- ~~a. the custodian is presented with proof of payment in the amount of One Hundred Dollars (\$100.00) to each jurisdiction where the court financial obligations are 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~~7~~ 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.

3. After a finding of willful failure to pay court financial obligations, the court may impose a jail sentence pursuant to Section 101 of Title 28 of the Oklahoma Statutes. A jail sentence 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.

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

K. The district court or municipal court, within one hundred twenty (120) days from the date upon which the person fails to comply with the financial obligation as ordered by the court or 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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