



OFFICE OF

No. HB 1046

THE GOVERNOR
STATE OF OKLAHOMA

OKLAHOMA CITY, OKLA.,

April 24, 2015

TIME SIGNED: 11:29am

TO THE HONORABLE SPEAKER OF THE HOUSE
AND MEMBERS OF THE HOUSE OF REPRESENTATIVES
FIRST SESSION OF THE
FIFTY FIFTH OKLAHOMA LEGISLATURE

ENROLLED HOUSE BILL NO. 1046:

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill 1046.

House Bill 1046 (Bill) strips a presiding court of its discretion to modify orders of restitution as it best sees fit, and tailored to the particular facts at hand. Instead, the Bill requires district courts to "equally apply the same percentage reduction to any court-ordered monetary obligation owed by the defendant including, but not limited to, fines, costs and costs of incarceration."

Judges necessarily wield considerable discretion in modifying orders of restitution, because it is discretion that makes modifications fair. Statute is—by its very nature—incapable of considering and balancing the myriad factual scenarios and equitable considerations that inform a just modification, and that make any given modification different from the ten that preceded it, and the ten that are to follow. Moreover, there could be instances when an across-the-board reduction in restitution would be patently unfair to victims—for example, if unpaid victim restitution far outstrips fines or costs of incarceration. Accordingly, I cannot allow for artificial and inflexible constraints to tie the hands of judges, especially where the end result could be less equitable, not more.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin

By Callie A Haucher

Date/Time 4/24/15 3:00 pm

RECEIVED

APR 24 2015

OKLAHOMA SECRETARY
OF STATE