An Act

ENROLLED HOUSE
BILL NO. 3160

By: Hickman, Sherrer and Hoskin of the House

and

Griffin, Brooks, Matthews and Pittman of the Senate

An Act relating to court costs and fees; granting courts authority to waive outstanding fines, court costs and fees under certain circumstances; prohibiting the waiver of restitution or child support obligations; establishing reporting and hearing requirements for persons owing fines, fees, costs and assessments in criminal cases; authorizing continuances for certain hearing; directing courts to make certain inquiry regarding court-ordered obligations; providing grace period for making payments; directing the Court of Criminal Appeals to promulgate certain rules; providing for codification; and providing an effective date.

SUBJECT: Court costs and fees

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 983a of Title 22, unless there is created a duplication in numbering, reads as follows:

A. On or after November 1, 2016, the court shall have the authority to waive all outstanding fines, court costs and fees in a criminal case for any person who:

1. Served a period of imprisonment in the custody of the Department of Corrections after conviction for a crime;

2. Has been released from the custody of the Department of Corrections;

3. Has complied with all probation or supervision requirements since being released from the custody of the Department of Corrections; and

4. Has made installment payments on outstanding fines, court costs, fees and restitution ordered by the court on a timely basis every month for the previous twenty-four (24) months following release from the custody of the Department of Corrections.

B. The provisions of this section shall not apply to amounts owed by the person for restitution to a victim pursuant to a court order or child support obligations pursuant to a court order.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 983b of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Any person released on parole or released without parole from a term of imprisonment with the Department of Corrections shall be required to report at a time not less than one hundred eighty (180) days after his or her release from the Department of Corrections to:

1. The district court of the county from which the judgment and sentence resulting in incarceration arose; and

2. All other district courts or municipal courts where the person owes fines, fees, costs and assessments,

for the purpose of scheduling a hearing to determine the ability of the person to pay fines, fees, costs or assessments owed by the person in every felony or misdemeanor criminal case filed in a district court or criminal case filed in a municipal court of this state. Such hearing shall be held in accordance with the provisions of Section VIII of the Rules of the Court of Criminal Appeals, 22 O.S. 2011, Ch. 18, App. A court may for good cause shown or in its discretion continue such hearing for up to one hundred eighty (180) days.

B. In determining the ability of the person to satisfy fines, fees, costs or assessments owed to a district or municipal court, the court shall inquire of the person at the time of the hearing which counties and municipalities the person owes fines, fees, costs or assessments in every felony or misdemeanor criminal case filed against the person and shall consider all court-ordered debt, including restitution and child support, in determining the ability of the person to pay. The person shall not be required to pay any outstanding fines, fees, costs or assessments prior to the expiration of the one-hundred-eighty-day period; provided, however, the person shall not be precluded from voluntarily making payment toward the satisfaction of any fines, fees, costs or assessments due and owing to a district or municipal court of this state.

C. The Court of Criminal Appeals shall promulgate rules governing the provisions of this section including, but not limited to:

1. Reporting, hearing and payment requirements as provided for in subsections A and B of this section;

2. Consolidating district and municipal court fines, fees, costs or assessments owed by a person into one order for payment; and

3. Accepting and distributing payments received for fines, fees, costs or assessments to various district and municipal courts when consolidated by the court into one order for payment.

SECTION 3. This act shall become effective November 1, 2016.

Passed the House of Representatives the 23rd day of May, 2016.

Presiding Officer of the House
of Representatives

Passed the Senate the 27th day of May, 2016.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th

day of May, 2016, at 3:12 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 8th

day of June, 2016, at 3:29 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 8th

day of June, 2016, at 4:21 o'clock P. M.

By: