An Act

ENROLLED SENATE
BILL NO. 1610

By: Jolley and Treat of the Senate

and

Sears and Casey of the House

An Act relating to fees; amending 28 O.S. 2011, Sections 153, as amended by Section 4 of Enrolled House Bill No. 3146 of the 2nd Session of the 55th Oklahoma Legislature, and 162, which relate to costs in criminal cases and juvenile proceedings; modifying fees assessed in certain criminal and juvenile cases; providing an effective date; and declaring an emergency.

SUBJECT: Fees

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

SECTION 1. AMENDATORY 28 O.S. 2011, Section 153, as amended by Section 4 of Enrolled House Bill No. 3146 of the 2nd Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 153. A. The clerks of the courts shall collect as costs in every criminal case for each offense of which the defendant is convicted, irrespective of whether or not the sentence is deferred, the following flat charges and no more, except for standing and parking violations and for charges otherwise provided for by law, which fee shall cover docketing of the case, filing of all papers, issuance of process, warrants, orders, and other services to the date of judgment:

1. For each defendant convicted of exceeding the speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour, whether charged individually or conjointly with others $77.00

2. For each defendant convicted of a misdemeanor traffic violation other than an offense provided for in paragraph 1 or 5 of this subsection, whether charged individually or conjointly with others $98.00

3. For each defendant convicted of a misdemeanor, other than for driving under the influence of alcohol or other intoxicating substance or an offense provided for in paragraph 1 or 2 of this subsection, whether charged individually or conjointly with others $93.00

4. For each defendant convicted of a felony, other than for driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others $103.00

5. For each defendant convicted of the misdemeanor of driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others $433.00

6. For each defendant convicted of the felony of driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others $433.00

7. For the services of a court reporter at each preliminary hearing and trial held in the case $20.00

8. For each time a jury is requested $30.00

9. A sheriff's fee for serving or endeavoring to serve each writ, warrant, order, process, command, or notice or pursuing any fugitive from justice

a. within the county ..... $50.00, or

mileage as established by the Oklahoma Statutes, whichever is greater, or

b. outside of the county ..... $50.00, or

actual, necessary expenses, whichever is greater

10. For the services of a language interpreter, other than an interpreter appointed pursuant to the provisions of the Oklahoma Interpreter for the Deaf Act, at each hearing held in the case, the actual cost of the interpreter.

B. In addition to the amount collected pursuant to paragraphs 2 through 6 of subsection A of this section, the sum of Six Dollars ($6.00) shall be assessed and credited to the Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In addition to the amount collected pursuant to subsection A of this section, the sum of ~~Ten Dollars ($10.00)~~ Twenty Dollars ($20.00) shall be assessed and collected in every traffic case for each offense other than for driving under the influence of alcohol or other intoxicating substance; the sum of ~~Fifteen Dollars ($15.00)~~ Thirty Dollars ($30.00) shall be assessed and collected in every misdemeanor case for each offense; the sum of ~~Fifteen Dollars ($15.00)~~ Thirty Dollars ($30.00) shall be assessed and collected in every misdemeanor case for each offense for driving under the influence of alcohol or other intoxicating substance; the sum of

~~Twenty-five Dollars ($25.00)~~ Fifty Dollars ($50.00) shall be assessed and collected in every felony case for each offense; and the sum of ~~Twenty-five Dollars ($25.00)~~ Fifty Dollars ($50.00) shall be assessed and collected in every felony case for each offense for driving under the influence of alcohol or other intoxicating substance.

D. In addition to the amounts collected pursuant to subsections A and B of this section, the sum of Twenty-five Dollars ($25.00) shall be assessed and credited to the Oklahoma Court Information System Revolving Fund created pursuant to Section 1315 of Title 20 of the Oklahoma Statutes.

E. In addition to the amount collected pursuant to paragraphs 1 through 6 of subsection A of this section, the sum of Ten Dollars ($10.00) shall be assessed and credited to the Sheriff's Service Fee Account in the county in which the conviction occurred for the purpose of enhancing existing or providing additional courthouse security.

F. In addition to the amounts collected pursuant to paragraphs 1 through 6 of subsection A of this section, the sum of Three Dollars ($3.00) shall be assessed and credited to the Office of the Attorney General Victim Services Unit.

G. In addition to the amounts collected pursuant to paragraphs 1 through 6 of subsection A of this section, the sum of Three Dollars ($3.00) shall be assessed and credited to the Child Abuse Multidisciplinary Account. This fee shall not be used for purposes of hiring or employing any law enforcement officers.

H. In addition to the amount collected pursuant to paragraphs 5 and 6 of subsection A of this section, the sum of Fifteen Dollars ($15.00) shall be assessed in every misdemeanor or felony case for each offense of driving under the influence of alcohol or other intoxicating substance and credited to the Oklahoma Impaired Driver Database Revolving Fund created pursuant to Section 8 of ~~this act~~ Enrolled House Bill No. 3146 of the 2nd Session of the 55th Oklahoma Legislature.

I. Prior to conviction, parties in criminal cases shall not be required to pay, advance, or post security for the services of a

language interpreter or for the issuance or service of process to obtain compulsory attendance of witnesses.

J. The amounts to be assessed as court costs upon filing of a case shall be those amounts above-stated in paragraph 3 or 4 of subsection A and subsections B, C, D and E of this section.

K. The fees collected pursuant to this section shall be deposited into the court fund, except the following:

1. A court clerk issuing a misdemeanor warrant is entitled to ten percent (10%) of the sheriff's service fee, provided for in paragraph 9 of subsection A of this section, collected on a warrant referred to the contractor for the misdemeanor warrant notification program governed by Sections 514.4 and 514.5 of Title 19 of the Oklahoma Statutes. This ten-percent sum shall be deposited into the issuing Court Clerk's Revolving Fund, created pursuant to Section 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing the warrant with the balance of the sheriff's service fee to be deposited into the Sheriff's Service Fee Account, created pursuant to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county in which service is made or attempted. Otherwise, the sheriff's service fee, when collected, shall be deposited in its entirety into the Sheriff's Service Fee Account of the sheriff in the county in which service is made or attempted;

2. The sheriff's fee provided for in Section 153.2 of this title;

3. The witness fees paid by the district attorney pursuant to the provisions of Section 82 of this title which, if collected by the court clerk, shall be transferred to the district attorney's office in the county where witness attendance was required. Fees transferred pursuant to this paragraph shall be deposited in the district attorney's maintenance and operating expense account;

4. The fees provided for in subsection C of this section shall be forwarded to the District Attorneys Council Revolving Fund to defray the costs of prosecution; and

5. The following amounts of the fees provided for in paragraphs 2, 3, 5 and 6 of subsection A of this section, when collected, shall be deposited in the Trauma Care Assistance Revolving Fund, created pursuant to the provisions of Section 1-2530.9 of Title 63 of the Oklahoma Statutes:

a. Ten Dollars ($10.00) of the Ninety-eight-Dollar fee provided for in paragraph 2 of subsection A of this section,

b. Ten Dollars ($10.00) of the Ninety-three-Dollar fee provided for in paragraph 3 of subsection A of this section,

c. One Hundred Dollars ($100.00) of the Four-Hundred-Thirty-three-Dollar fee provided for in paragraph 5 of subsection A of this section, and

d. One Hundred Dollars ($100.00) of the Four-Hundred-Thirty-three-Dollar fee provided for in paragraph 6 of subsection A of this section.

L. Costs required to be collected pursuant to this section shall not be dismissed or waived; provided, if the court determines that a person needing the services of a language interpreter is indigent, the court may waive all or part of the costs or require the payment of costs in installments.

M. As used in this section, "convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgment or suspended sentence.

N. A court clerk may accept in payment for any fee, fine, forfeiture payment, cost, penalty assessment or other charge or collection to be assessed or collected by a court clerk pursuant to this section a nationally recognized credit card or debit card or other electronic payment method as provided in paragraph 1 of subsection B of Section 151 of this title.

O. Upon receipt of payment of fines and costs for offenses charged prior to July 1, 1992, the court clerk shall apportion and pay Thirteen Dollars ($13.00) per conviction to the court fund.

SECTION 2. AMENDATORY 28 O.S. 2011, Section 162, is amended to read as follows:

Section 162. A. The clerks of the courts shall collect as costs in every juvenile delinquency, child in need of supervision, or deprived case in which the juvenile is adjudicated, irrespective of whether or not the sentence is deferred, or minor in need of treatment case pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, Section 5-501 et seq. of Title 43A of the Oklahoma Statutes, irrespective of whether the child is committed for inpatient mental health or substance abuse treatment, or in every such case in which a petition is filed at the demand of the parents of a juvenile and said petition is subsequently dismissed prior to adjudication at said parents' request, the following flat charge and no more, except for the charges provided for in this section, which fee shall cover docketing of the case, filing of all papers, issuance of process, warrants and orders, and other services to date of judgment:

For each case where one or more juveniles are adjudicated deprived $50.00

For each juvenile who is certified to stand trial as an adult $75.00

In each juvenile case wherein parental rights are terminated $50.00

For each juvenile adjudicated in need of supervision $50.00

For each child found to be a minor in need of treatment $50.00

For each juvenile adjudicated for an offense which would be a misdemeanor if committed by an adult, including violation of any traffic law, whether

charged individually or conjointly with others $50.00

For each juvenile adjudicated for an offense which would be a felony if committed by an adult, whether charged individually or conjointly with others $75.00

For the services of a court reporter at each trial held in the case $20.00

When a jury is requested $30.00

A sheriff's fee for serving or endeavoring to serve all writs, warrants, orders, process, commands, or notices or pursuing any fugitive from justice ..... $20.00 or mileage as established by Oklahoma Statutes, whichever is greater.

B. In addition to the amount collected pursuant to subsection A of this section, the sum of ~~Fifteen Dollars ($15.00)~~ Thirty Dollars ($30.00) shall be assessed and collected for each juvenile case. The fees collected shall be forwarded to the District Attorneys Revolving Fund to defray the costs of prosecution.

C. Costs assessed pursuant to subsections A and B of this section shall be levied against the juvenile, the parent, or both, but shall not be levied against the legal guardian or any state or private agency having custody of any juvenile subject to such proceedings.

D. Prior to adjudication, parties in juvenile delinquency, child in need of supervision, minor in need of treatment, and deprived cases shall not be required to pay, advance, or post security for the issuance or service of process to obtain compulsory attendance of witnesses. These fees shall be deposited into the court fund, except the sheriff's fee, when collected, shall be transferred to the general fund of the county in which service is made or attempted to be made.

E. The clerk of the district court shall charge the sum of One Hundred Dollars ($100.00) for preparing, assembling, indexing, and transmitting the record for appellate review. This fee shall be paid by the party taking the appeal and shall be entered as costs in the action. If more than one party to the action shall prosecute an appeal from the same judgment or order, the fee shall be paid by the party whose petition in error is determined by the district court or by the appellate court to commence the principal appeal. The fees collected hereunder shall be paid into the court fund.

F. Fees and costs collected in juvenile cases may be withdrawn from the court fund and used for operations of the juvenile bureaus, in counties wherein a statutory juvenile bureau is in operation, upon approval by the Chief Justice of the Oklahoma Supreme Court.

G. In those seventy-four counties in which court services are provided by contract between the Oklahoma Supreme Court and the Department of Human Services, funds received from court costs in juvenile cases may be withdrawn from the court fund and paid to the Department of Human Services upon approval by the Chief Justice of the Oklahoma Supreme Court. Said funds are to be expended by the Department of Human Services to supplement community-based programs, such as youth services programs, day treatment programs and group home services. Specific annual training of Department workers in community-based services providing the above court-related services is also to be included for expenditure of funds received from court costs in juvenile cases by the Department of Human Services.

H. In those seventy-four counties in which court services are provided by contract between the Oklahoma Supreme Court and the Office of Juvenile Affairs, funds received from court costs or orders for care and maintenance in juvenile cases may be withdrawn from the court fund and paid to the Office of Juvenile Affairs upon approval by the Chief Justice of the Oklahoma Supreme Court. Said funds are to be expended by the Office of Juvenile Affairs to provide care and maintenance and to supplement community-based programs, such as alternative education, juvenile offender community and victim restitution work programs, community sanction programs, youth services programs, day treatment programs, group home services, and detention services. Specific annual training of agency workers in community-based services providing the above

court-related services is also to be included for expenditure of funds received from court costs in juvenile cases by the Office of Juvenile Affairs.

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

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 23rd day of May, 2016.

Eddie Fields
Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2016.

Jeffrey W. Hickman
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th
day of May, 2016, at 9:30 o'clock A M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th
day of June, 2016, at 4:05 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th
day of June, 2016, at 4:53 o'clock P. M.
By: Chris Benge