

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1872

By: McAffrey

4  
5  
6 AS INTRODUCED

7 An Act relating to fees; amending 28 O.S. 2011,  
8 Section 153, which relates to costs in criminal  
9 cases; prescribing certain fees to be collected by  
10 clerk of the district court in each county; creating  
11 Court Clerk's Electronic Citation Funds in each  
12 county; providing for deposits thereto and  
13 expenditures therefrom; defining term; providing for  
14 codification; providing an effective date; and  
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 28 O.S. 2011, Section 153, is  
18 amended to read as follows:

19 Section 153. A. The clerks of the courts shall collect as  
20 costs in every criminal case for each offense of which the defendant  
21 is convicted, irrespective of whether or not the sentence is  
22 deferred, the following flat charges and no more, except for  
23 standing and parking violations and for charges otherwise provided  
24 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 1. For each defendant convicted of  
2 exceeding the speed limit by at least  
3 one (1) mile per hour but not more  
4 than ten (10) miles per hour, whether  
5 charged individually or conjointly  
6 with others.....\$77.00
- 7 2. For each defendant convicted of a  
8 misdemeanor traffic violation other  
9 than an offense provided for in  
10 paragraph 1 or 5 of this subsection,  
11 whether charged individually or  
12 conjointly with others.....\$98.00
- 13 3. For each defendant convicted of a  
14 misdemeanor, other than for driving  
15 under the influence of alcohol or  
16 other intoxicating substance or an  
17 offense provided for in paragraph 1 or  
18 2 of this subsection, whether charged  
19 individually or conjointly with others.....\$93.00
- 20 4. For each defendant convicted of a  
21 felony, other than for driving under  
22 the influence of alcohol or other  
23 intoxicating substance, whether  
24

1 charged individually or conjointly  
2 with others.....\$103.00

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

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

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

16 8. For each time a jury is requested.....\$30.00

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

22 a. within the county..... \$50.00, or  
23 mileage as  
24 established by the

1 Oklahoma Statutes,  
2 whichever is  
3 greater, or

4 b. outside of the county..... \$50.00, or  
5 actual, necessary  
6 expenses, whichever  
7 is greater

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

12 B. In addition to the amount collected pursuant to paragraphs 2  
13 through 6 of subsection A of this section, the sum of Six Dollars  
14 (\$6.00) shall be assessed and credited to the Law Library Fund  
15 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma  
16 Statutes.

17 C. In addition to the amount collected pursuant to subsection A  
18 of this section, the sum of Ten Dollars (\$10.00) shall be assessed  
19 and collected in every traffic case for each offense other than for  
20 driving under the influence of alcohol or other intoxicating  
21 substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and  
22 collected in every misdemeanor case for each offense; the sum of  
23 Fifteen Dollars (\$15.00) shall be assessed and collected in every  
24 misdemeanor case for each offense for driving under the influence of

1 alcohol or other intoxicating substance; the sum of Twenty-five  
2 Dollars (\$25.00) shall be assessed and collected in every felony  
3 case for each offense; and the sum of Twenty-five Dollars (\$25.00)  
4 shall be assessed and collected in every felony case for each  
5 offense for driving under the influence of alcohol or other  
6 intoxicating substance.

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

12 E. In addition to the amount collected pursuant to paragraphs 1  
13 through 6 of subsection A of this section, the sum of Ten Dollars  
14 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee  
15 Account in the county in which the conviction occurred for the  
16 purpose of enhancing existing or providing additional courthouse  
17 security.

18 F. In addition to the amounts collected pursuant to paragraphs  
19 1 through 6 of subsection A of this section, the sum of Three  
20 Dollars (\$3.00) shall be assessed and credited to the Office of the  
21 Attorney General Victim Services Unit.

22 G. In addition to the amounts collected pursuant to paragraphs  
23 1 through 6 of subsection A of this section, the sum of Three  
24 Dollars (\$3.00) shall be assessed and credited to the Child Abuse

1 Multidisciplinary Account. This fee shall not be used for purposes  
2 of hiring or employing any law enforcement officers.

3 H. In addition to the amounts collected pursuant to this  
4 section, the sum of Five Dollars (\$5.00) shall be assessed for each  
5 defendant specified in paragraphs 1, 2, 5 and 6 of subsection A of  
6 this section. Sixty percent (60%) of such funds shall be credited  
7 to the Court Clerk's Records Electronic Citation Fund created in  
8 Section 2 of this act and forty percent (40%) shall be disbursed to  
9 the agency of the arresting law enforcement officer to defray  
10 expenses related to the establishment and maintenance of electronic  
11 citations.

12 I. Prior to conviction, parties in criminal cases shall not be  
13 required to pay, advance, or post security for the services of a  
14 language interpreter or for the issuance or service of process to  
15 obtain compulsory attendance of witnesses.

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

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

21 1. A court clerk issuing a misdemeanor warrant is entitled to  
22 ten percent (10%) of the sheriff's service fee, provided for in  
23 paragraph 9 of subsection A of this section, collected on a warrant  
24 referred to the contractor for the misdemeanor warrant notification

1 program governed by Sections 514.4 and 514.5 of Title 19 of the  
2 Oklahoma Statutes. This ten-percent sum shall be deposited into the  
3 issuing Court Clerk's Revolving Fund, created pursuant to Section  
4 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing  
5 the warrant with the balance of the sheriff's service fee to be  
6 deposited into the Sheriff's Service Fee Account, created pursuant  
7 to the provisions of Section 514.1 of Title 19 of the Oklahoma  
8 Statutes, of the sheriff in the county in which service is made or  
9 attempted. Otherwise, the sheriff's service fee, when collected,  
10 shall be deposited in its entirety into the Sheriff's Service Fee  
11 Account of the sheriff in the county in which service is made or  
12 attempted;

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

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

21 4. The fees provided for in subsection C of this section shall  
22 be forwarded to the District Attorneys Council Revolving Fund to  
23 defray the costs of prosecution; and  
24

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

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

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

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

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

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

23           ~~H.~~ M. As used in this section, "convicted" means any final  
24 adjudication of guilt, whether pursuant to a plea of guilty or nolo



1 | contendere or otherwise, and any deferred judgment or suspended  
2 | sentence.

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

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

12 | SECTION 2. NEW LAW A new section of law to be codified  
13 | in the Oklahoma Statutes as Section 31.3 of Title 28, unless there  
14 | is created a duplication in numbering, reads as follows:

15 | A. For the purpose of establishing and maintaining electronic  
16 | citations, in addition to all other fees required by law, the Clerk  
17 | of the District Court in each county shall collect the fees  
18 | prescribed in subsection H of Section 153 of Title 28 of the  
19 | Oklahoma Statutes. As used in this section, "electronic citation"  
20 | means the process of transmitting traffic, misdemeanor, municipal  
21 | ordinance or other citations and law enforcement data via electronic  
22 | means to a district court clerk.

23 | B. There is hereby created a fund in each county to be known as  
24 | the "Court Clerk's Electronic Citation Fund." Each fund shall be a

1 continuing fund, not subject to fiscal year limitations, and shall  
2 consist of revenues from the fees prescribed in subsection H of  
3 Section 153 of Title 28 of the Oklahoma Statutes. All monies  
4 accruing to each fund shall be expended by the Clerk of the District  
5 Court and shall not be transferred to any other fund. Each fund  
6 shall be retained and used for establishing and maintaining  
7 electronic citations within the county in which such fees are  
8 collected.

9 SECTION 3. This act shall become effective July 1, 2014.

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

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