

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 1

COMMITTEE AMENDMENT

(Date)

I move to amend House Bill No. 2259 by substituting the attached floor substitute (Request # 2147) for the title, enacting clause and entire body of the measure.

Submitted by:

Brent Howard
Senator Howard

I hereby grant permission for the floor substitute to be adopted.

Brent Howard
Senator Howard, Chair (required)

B. Gollin
Senator Gollin

Senator Floyd
John Hall
Senator Hall

Senator Boren

Senator Jech

Senator Brooks
Senator Bullard

Senator Standridge
Senator Stewart

Senator Daniels

R. Daniel Weaver
Senator Weaver

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Judiciary Committee majority requires seven (7) members' signatures.

Howard-TEK-FS-HB2259
4/25/2023 1:51 PM

(Floor Amendments Only) Date and Time Filed: 4-25-23 3:20pm jd

Untimely Amendment Cycle Extended Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2259

By: Sterling, Goodwin, and
Pittman of the House

6 and

7 Howard of the Senate

8
9
10 FLOOR SUBSTITUTE

11 [court financial obligations - court cost compliance
12 program and warrants - court cost compliance liaisons
13 - cost hearings - down payment requirement -
14 citations to appear - defendant's ability to pay
15 court financial obligations - hardship waivers -
16 reporting procedures - terms for payment of court
17 financial obligations - guidelines to determine
18 delinquency - summons form - referrals to the court
19 cost compliance program - supporting documents -
20 willfulness hearings - jail sentences - jail rates
21 related to fees and costs - repealers - effective
22 date]

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

24 SECTION 1. AMENDATORY 19 O.S. 2021, Section 514.4, is
amended to read as follows:

Section 514.4. A. ~~Notwithstanding any other section of law,~~
~~the county~~ 1. Effective November 1, 2023, there is hereby
established a court cost compliance program. The purpose of the

1 program shall be to assist county sheriffs and the courts of this
2 state with the collection of fines, costs, fees, and assessments
3 associated with any case in which a warrant has been issued and the
4 case has been referred to the court cost compliance program pursuant
5 to Section 983 of Title 22 of the Oklahoma Statutes.

6 2. County sheriffs of any Oklahoma county in this state may
7 contract with a statewide association of county sheriffs to
8 administer contracts with third parties who shall be known as court
9 cost compliance liaisons. The court cost compliance liaison may
10 assist with attempting to locate and notify persons of their
11 outstanding misdemeanor or ~~failure-to-pay~~ cost-related warrants and
12 recover and maintain accounts relating to past due fines, fees,
13 costs, and assessments. County sheriffs contracting with a
14 statewide association of county sheriffs for the administration of
15 third-party contracts may assign their rights and duties regarding
16 these contracts to the association.

17 B. A person may make payment directly to the court, as allowed
18 by law, or the ~~contractor~~ court cost compliance liaison, as allowed,
19 shall be authorized to accept payment on misdemeanor or ~~failure-to-~~
20 ~~pay~~ cost-related warrants on all cases referred pursuant to Section
21 983 of Title 22 of the Oklahoma Statutes by various means including,
22 but not limited to, payment by phone, mail, or Internet, and in any
23 payment form including, but not limited to, personal, cashier's,
24 traveler's, certified, or guaranteed bank check, postal or

1 commercial money order, nationally recognized credit or a debit
2 card, or other generally accepted payment form. Any payment
3 collected and received by the ~~contractor~~ court cost compliance
4 liaison shall be paid to the court clerk of the court that issued
5 the warrant within fifteen (15) days ~~to the court clerk of the~~
6 ~~entity that issued the outstanding misdemeanor or failure to pay~~
7 warrant after receipt of the payment and proof of funds. Any
8 payment collected and received by the court, where the court has
9 referred the case to a court cost compliance liaison, shall be
10 reported to the court cost compliance liaison within four (4) days
11 of receipt of the payment. Any payment returned due to insufficient
12 funds shall have all insufficient fund charges incurred added to the
13 outstanding balance of the defendant. If a credit card payment
14 taken by a court cost compliance liaison is determined to be a
15 fraudulent use of the credit card by the payor and the payment is
16 reversed by the credit card company or payor's bank, the court clerk
17 shall reverse the transaction upon notification, return the payment
18 to the court cost compliance liaison, and the court cost compliance
19 liaison shall continue the collection process until paid. The court
20 clerk shall add any additional fees for the reversal of the
21 transaction plus the administration fees to the outstanding balance
22 of the defendant. Court cost compliance liaisons shall inform
23 individuals of their right to a cost hearing as provided in Section
24 983 of Title 22 of the Oklahoma Statutes.

1 C. As provided for by this section, a person may pay in lieu of
2 appearance before the court and such payment accepted by the court
3 shall constitute a finding of ~~guilty~~ guilt as though a plea of nolo
4 contendere had been entered by the defendant as allowed by law and
5 shall function as a written, dated, and signed plea form acceptable
6 to the court. Such payment shall serve as a written waiver of a
7 jury trial.

8 D. The court shall release or recall the outstanding
9 misdemeanor or ~~failure-to-pay~~ cost-related warrant upon receipt of
10 all sums due pursuant to ~~said~~ the warrant including the misdemeanor
11 or ~~failure-to-pay~~ cost-related warrant, scheduled fine or sum due,
12 all associated fees, costs and statutory penalty assessments, and
13 the administrative cost pursuant to Section 514.5 of this title, or
14 with a mutually agreeable monthly payment plan and a down payment
15 set at the discretion of the court at an amount no less than One
16 Hundred Dollars (\$100.00). A single down payment shall be
17 sufficient to recall all cost-related warrants against a defendant
18 pending in a single jurisdiction.

19 E. The provisions of any contract entered into by a county
20 sheriff shall be administered by a statewide association of county
21 sheriffs in Oklahoma.

22 F. The provisions of this section and Section 514.5 of this
23 title shall be applicable to:
24

1 1. Any misdemeanor or ~~failure to pay~~ cost-related warrant
2 issued pursuant to Section 983 of Title 22 of the Oklahoma Statutes
3 or relating to any proceeding pursuant to the State and Municipal
4 Traffic, Water Safety, and Wildlife Bail Bond Procedure Act;

5 2. Any misdemeanor or ~~failure to pay~~ cost-related warrant
6 issued that allows a defendant to resolve the matter by payment in
7 lieu of a personal appearance in court; and

8 3. Any ~~failure to pay~~ cost-related warrant issued in a criminal
9 case.

10 SECTION 2. AMENDATORY 19 O.S. 2021, Section 514.5, is
11 amended to read as follows:

12 Section 514.5. A. Misdemeanor or ~~failure to pay~~ cost-related
13 warrants or cases referred to the ~~third-party contractor~~ court cost
14 compliance liaison pursuant to Section 514.4 of this title shall
15 include the addition of an administrative cost of thirty percent
16 (30%) of the outstanding misdemeanor or ~~failure to pay~~ cost-related
17 warrant, scheduled fine or sum due, and all associated fees, costs
18 and statutory penalty assessments. This administrative cost shall
19 not be waived or reduced ~~except~~ unless the amount owed is waived or
20 reduced or by order of the court upon good cause.

21 B. The administrative cost reflected in subsection A of this
22 section, ~~when collected,~~ shall be distributed to the ~~third-party~~
23 ~~contractor~~ court cost compliance liaison, a portion of which may be
24

1 used to compensate the statewide association administrating the
2 contract.

3 C. The monies collected and disbursed shall be audited at least
4 once a year by a firm approved by the State Auditor and Inspector.

5 SECTION 3. AMENDATORY 22 O.S. 2021, Section 983, is
6 amended to read as follows:

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

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

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

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

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

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

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

24

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

3 3. "Cost hearing" means a hearing in which the court determines
4 the ability of a defendant to pay court financial obligations. Once
5 a cost hearing date has been set, all court financial obligations
6 shall be suspended until the cost hearing has been held;

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

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

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

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

23 B. 1. Except in cases provided for in Section 983b of this
24 title, when the judgment and sentence of a court, either in whole or

1 in part, imposes court financial obligations upon a defendant, the
2 court at the time of sentencing may immediately, or at any point
3 thereafter until the debt is either paid or waived, determine the
4 ability of a defendant to pay the court financial obligations. The
5 court may make such determinations at a cost hearing or upon written
6 motion or affidavit by the defendant. The ability of a defendant to
7 pay court financial obligations may not impact the sentence imposed.

8 2. Defendants with court financial obligations who are found by
9 the court to be unable to pay, in whole or in part, shall be
10 relieved of the debt by the court through a hardship waiver of the
11 court financial obligations, either in whole or in part.

12 3. In determining the ability of a defendant to pay, the court
13 shall consider the following factors:

- 14 a. individual and household income,
- 15 b. household living expenses,
- 16 c. number of dependents,
- 17 d. assets,
- 18 e. child support obligations,
- 19 f. physical or mental health conditions that diminish the
20 ability to generate income or manage resources,
- 21 g. additional case-related expenses to be paid by the
22 defendant, and
- 23 h. any other factors relevant to the ability of the
24 defendant to pay.

1 4. In determining the ability of a defendant to pay, the
2 following shall not be considered as income or assets:

3 a. child support income,

4 b. any monies received from a federal, state, or tribal
5 government need-based or disability assistance
6 program, or

7 c. assets exempt from bankruptcy.

8 5. Defendants in the following circumstances are presumed
9 unable to pay and eligible for relief under paragraph 2 of this
10 subsection:

11 a. designated as totally disabled by any federal, state,
12 or tribal disability services program including but
13 not limited to military disability, Social Security
14 Disability Insurance, Supplemental Security Income, or
15 tribal disability benefits,

16 b. receives support from the Temporary Assistance for
17 Needy Families program, Supplemental Nutrition
18 Assistance Program, the Special Supplemental Nutrition
19 Program for Women, Infants, and Children nutrition
20 education and supplemental food program, or any other
21 federal need-based financial support,

22 c. receives subsidized housing support through the
23 Housing Choice Voucher program, the United States
24 Department of Housing and Urban Development, or other

1 state, local, or federal government housing subsidy
2 program, or

3 d. total income is below one hundred fifty percent (150%)
4 of the federal poverty level.

5 C. 1. At the time of a plea or sentencing, the court shall
6 inform the defendant of the total court financial obligations owed,
7 the consequences of failing to pay the court financial obligations,
8 and that the defendant may request a cost hearing if at any time he
9 or she is unable to pay the court financial obligations, at which
10 point the court may waive all or part of the debt owed. If the
11 total amount of court financial obligations owed is not available at
12 the time of the plea or sentencing, the court shall inform the
13 defendant that court financial obligations have been incurred and
14 the time and location where the defendant may learn of the total
15 amount owed.

16 2. The court shall order the defendant to appear immediately
17 after sentencing at the office of the court clerk to provide current
18 contact information and to either select payment terms or request a
19 cost hearing. Failure to immediately report to the court clerk
20 shall result in the full amount of court financial obligations to be
21 due thirty (30) days from the date of the plea or sentencing in
22 district courts or thirty (30) days from the date of the plea or
23 sentencing in municipal courts.

1 3. Payment of court financial obligations may be made under the
2 following terms:

3 a. payment in full, or

4 b. payment in installments.

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

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

19 D. In determining the ability of the defendant to pay court
20 financial obligations, the court may rely on testimony, relevant
21 documents, and any information provided by the defendant using a
22 cost hearing affidavit promulgated by the Court of Criminal Appeals.
23 In addition, the court may make inquiry of the defendant and
24

1 consider any other evidence or testimony concerning the ability of
2 the defendant to pay.

3 E. 1. If at the initial cost hearing or any subsequent cost
4 hearing, the court determines that the defendant is able to pay some
5 or all of the court financial obligations, the court may order any
6 of the following conditions for payment:

7 a. payment in full,

8 b. payment in installments,

9 c. financial incentive under a set of conditions
10 determined by the court, or

11 d. community service in lieu of payment; provided, the
12 defendant shall receive credit for no less than two
13 times the amount of the minimum wage specified
14 pursuant to state law for each hour of community
15 service.

16 2. Any defendant who fails to comply with the terms of the
17 payment plan ordered by the court shall be considered delinquent and
18 the court may issue either a cost cite and release warrant or a cost
19 arrest warrant.

20 F. If the court determines that a waiver of any of the court
21 financial obligations is warranted, the court shall apply the same
22 percentage reduction equally to all fines, costs, fees, and
23 assessments, excluding restitution.

1 G. 1. A defendant is considered delinquent in the payment of
2 court financial obligations under the following circumstances:

3 a. when the total amount due has not been paid by the due
4 date, or

5 b. when no installment payments have been received in the
6 most recent ninety-day period.

7 2. The court clerk shall periodically review cases for
8 delinquency at least once every six (6) months and, upon identifying
9 a delinquent defendant, notify the court which shall, within ten
10 (10) days thereafter, set a cost hearing for the court to determine
11 if the defendant is able to pay. The cost hearing shall be set
12 within forty-five (45) days of the issuance of the summons. The
13 hearing shall be set on a date that shall allow the court clerk to
14 issue a summons fourteen (14) days prior to the cost hearing.
15 Defendants shall incur no additional fees associated with the
16 issuance of the summons.

17 3. At least (14) days prior to the cost hearing, the court
18 clerk shall issue one summons to the defendant to be served by
19 United States mail to the mailing address of the defendant on file
20 in the case, substantially as follows:

21 SUMMONS

22 You are ORDERED to appear for a COST HEARING at a specified
23 time, place, and date to determine if you are financially able to
24

1 pay the fines, costs, fees, or assessments or an installment due in
2 Case No. _____.

3 YOU MUST BE PRESENT AT THE HEARING.

4 At any time before the date of the cost hearing, you may contact
5 the court clerk and pay the amount due or request in writing or in
6 person prior to the court date, that the hearing be rescheduled for
7 no later than thirty (30) days after the scheduled time.

8 THIS IS NOT AN ARREST WARRANT. However, if you fail to appear
9 for the cost hearing or pay the amount due, the court will issue a
10 WARRANT and refer the case to a court cost compliance liaison which
11 will cause an additional administrative fee of up to thirty-five
12 percent (35%) to be added to the amount owed and may include
13 additional costs imposed by the court.

14 4. Referrals to the court cost compliance program as provided
15 in subsection L of this section shall be made as follows:

- 16 a. courts shall refer a case to the court cost compliance
17 program upon the issuance of a cost arrest warrant,
18 b. courts may refer a case to the court cost compliance
19 program upon the issuance of a cost cite and release
20 warrant, or
21 c. courts may refer a case to the court cost compliance
22 program without the issuance of a warrant; provided,
23 the defendant is delinquent and has had sufficient
24 notice and opportunity to have a cost hearing.

1 5. A municipal court, in lieu of mailing the summons provided
2 for in this subsection, may give the summons to the defendant in
3 person at the time of sentencing or subsequent appearance of a
4 specific date, time, and place, not fewer than thirty (30) days nor
5 more than one hundred twenty (120) days from the date of sentencing
6 to appear for a cost hearing if the court financial obligations
7 remain unpaid.

8 H. 1. If a defendant is found by a law enforcement officer to
9 have an outstanding cost cite and release warrant, the law
10 enforcement officer shall issue a Warning/Notice to appear within
11 ten (10) days of release from detention on the warrant to the court
12 clerk of the court in which the court financial obligations are
13 owed. If the officer has the necessary equipment, the officer shall
14 immediately transmit the Warning/Notice electronically to the court
15 clerk of the court in which the court financial obligations are
16 owed. The law enforcement officer shall not take the defendant into
17 custody on the cite and release warrant, and no other law
18 enforcement officer who encounters the defendant during this ten-day
19 period may take the defendant into custody on the warrant. If the
20 law enforcement officer is unable to transmit the Warning/Notice
21 electronically to the court clerk, the officer shall inform the
22 appropriate department staff member within the agency of the law
23 enforcement officer of the Warning/Notice within five (5) days. The
24 department staff member shall then promptly notify the law

1 enforcement agency in the jurisdiction that issued the warrant
2 electronically. The electronic communication shall be treated as a
3 duplicate original for all purposes in any subsequent hearings
4 before the appropriate court.

5 2. If the defendant reports to the office of the court clerk
6 within the ten (10) days, the court clerk shall:

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

13 3. If the defendant fails to report to the office of the court
14 clerk within the ten (10) days, the court may issue a cost arrest
15 warrant for the arrest of the defendant.

16 4. At the hearing following the arrest for failure to appear,
17 the court shall conduct a cost hearing or willfulness hearing, as
18 the court deems appropriate, within seventy-two (72) hours unless:

- 19 a. the defendant pays One Hundred Dollars (\$100.00)
20 toward the court financial obligation, is released
21 from custody, and the new cost hearing date is
22 provided, or
23
24

1 b. the court releases the defendant on the defendant's
2 own recognizance and a new cost hearing date is
3 provided.

4 5. The provisions for issuing a separate summons described in
5 subsection G of this section shall not apply to a municipal court if
6 the municipal court has previously provided actual personal notice
7 to the defendant of an opportunity for a cost hearing. If such
8 notice was given and the defendant fails to appear, the municipal
9 court may issue either a cost cite and release warrant or a cost
10 arrest warrant.

11 6. All warrants for failure to appear at a cost hearing or for
12 failure to pay court financial obligations which have been issued
13 prior to the effective date of this act and which remain unserved,
14 shall be treated as cost cite and release warrants. All warrant
15 fees assessed for warrants for failure to appear at a cost hearing
16 or for failure to pay court financial obligations issued prior to
17 the effective date of this act shall remain in effect unless waived
18 by the court.

19 I. Supporting documents in a motion or affidavit for relief
20 from court financial obligation debt or any documents taken into
21 evidence during a cost hearing or willfulness hearing shall not be
22 viewable by the public on a court-controlled website.

23 J. 1. After a cost hearing where a defendant is found guilty
24 of an offense in any court of this state may be imprisoned for

1 ~~nonpayment of the fine, cost, fee, or assessment when the trial able~~
2 ~~to pay a court financial obligation, either in whole or in part, and~~
3 ~~then becomes delinquent in that payment, a court ~~finds after notice~~~~
4 ~~and may conduct a willfulness hearing that the defendant is~~
5 ~~financially able but refuses or neglects to pay the fine, cost, fee,~~
6 ~~or assessment. A sentence to pay a fine, cost, fee, or assessment~~
7 ~~may be converted into a jail sentence only after a hearing and a~~
8 ~~judicial determination, memorialized of record, that the defendant~~
9 ~~is able to satisfy the fine, cost, fee, or assessment by payment,~~
10 ~~but refuses or neglects so to do.~~

11 ~~B. After a judicial determination that the defendant is able to~~
12 ~~pay the fine, cost, fee, or assessment in installments, the court~~
13 ~~may order the fine, cost, fee, or assessment to be paid in~~
14 ~~installments and shall set the amount and date for each installment~~
15 ~~at any time beginning immediately after a cost hearing has been held~~
16 ~~and a decision rendered on the court financial obligations.~~
17 ~~Findings of a defendant's prior ability to pay may be considered as~~
18 ~~evidence of ability to pay or willfulness at the hearing. The~~
19 ~~requirements of this paragraph shall not be construed to prohibit~~
20 ~~the court from holding subsequent cost hearings on the same court~~
21 ~~financial obligations.~~

22 ~~2. At a willfulness hearing, the court shall evaluate the~~
23 ~~following:~~
24

- 1 a. whether a cost hearing has been held previously where
2 evidence relating to ability to pay was presented and
3 the court found the defendant was able to pay the
4 court financial obligations, either in whole or in
5 part,
- 6 b. whether there is any new evidence of ability to pay
7 not previously considered or a change in circumstances
8 since the cost hearing,
- 9 c. whether the defendant was afforded sufficient time and
10 opportunity to fulfill the obligation to pay the court
11 financial obligations,
- 12 d. whether the defendant made any efforts to satisfy the
13 court financial obligations, and
- 14 e. whether there are any other relevant facts or
15 circumstances.

16 3. After a finding of willful failure to pay court financial
17 obligations, the court may impose a jail sentence pursuant to
18 Section 101 of Title 28 of the Oklahoma Statutes. A jail sentence
19 may be imposed only under the following circumstances:

- 20 a. the hearing is conducted on the record pursuant to the
21 rules promulgated by the Court of Criminal Appeals,
22 and
- 23 b. the defendant is represented by counsel or expressly
24 waives his or her right to counsel.

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

5 ~~E.~~ K. In addition, the district court or municipal court,
6 within one hundred twenty (120) days from the date upon which the
7 person was originally ordered to make payment, and if the court
8 finds and memorializes into the record that the defendant is
9 financially able but willfully refuses to pay the court financial
10 obligations, or an installment due, may send notice of nonpayment of
11 any ~~court ordered~~ court-ordered fine and costs for a moving traffic
12 violation to ~~the Department of Public Safety~~ Service Oklahoma with a
13 recommendation of suspension of driving privileges of the defendant
14 until the total amount of any ~~fine and costs~~ court financial
15 obligation has been paid. Upon receipt of payment of the total
16 amount of the ~~fine and costs~~ court financial obligations for the
17 moving traffic violation, the court shall send notice thereof to ~~the~~
18 ~~Department~~ Service Oklahoma, if a nonpayment notice was sent as
19 provided for in this subsection. Notices sent to ~~the Department~~
20 Service Oklahoma shall be on forms or by a method approved by ~~the~~
21 ~~Department~~ Service Oklahoma.

22 L. Every county of this state shall fully utilize and
23 participate in the court cost compliance program. Cases shall be
24 referred to the court cost compliance program no more than sixty

1 (60) days after the court has ordered the referral pursuant to
2 paragraph 4 of subsection G of this section, unless the defendant
3 pays the amount owed on the court financial obligation or an
4 installment due. When the court refers a case, the updated contact
5 information on file shall be forwarded to a court cost compliance
6 liaison for collection purposes.

7 D. M. The Court of Criminal Appeals shall implement procedures
8 and rules ~~for methods of establishing payment plans of fines, costs,~~
9 ~~fees, and assessments by indigents, which~~ for implementation of the
10 requirements of this section. Such procedures and, rules shall be
11 distributed to all district courts and municipal courts, and any
12 supplemental forms may be made available by the Administrative
13 Office of the Courts.

14 SECTION 4. AMENDATORY 28 O.S. 2021, Section 101, is
15 amended to read as follows:

16 Section 101. The fees herein provided for the clerk of the
17 district court and the sheriff, as provided in this ~~act~~ section, and
18 all costs in the prosecution of all criminal actions shall, in case
19 of conviction of the defendant, be adjudged a part of the penalty of
20 the offense of which the defendant may be convicted, whether the
21 punishment for such offense be either imprisonment, or fine, or
22 both, and fixed either by the verdict of the jury, or judgment of
23 the court, trying the case, and if the defendant shall refuse to pay
24 the ~~fine, fees or costs~~ court financial obligations, the payment of

1 such fees and costs, in addition to the payment of the fine
2 assessed, shall be enforced by imprisonment until the same shall be
3 satisfied at a rate of ~~Twenty-five Dollars (\$25.00)~~ up to One
4 Hundred Dollars (\$100.00) per day of such fees and costs, or fine,
5 or both, or shall be satisfied at a rate of ~~Fifty Dollars (\$50.00)~~
6 up to Two Hundred Dollars (\$200.00) per day of such fees and costs,
7 or fine, or both, should the defendant perform useful labor. If the
8 defendant is without means to pay the fine, fees or costs, the total
9 amount owed ~~shall~~ may be entered ~~upon the~~ as a judgment ~~docket~~ and
10 thereupon the same remedies shall be available for the enforcement
11 of ~~said the~~ judgment as are available to any other judgment
12 creditor.

13 The term "all costs in the prosecution of all criminal actions",
14 as used in this section, shall include ~~only the following taxable~~
15 ~~items:~~

- 16 ~~1. Court clerk's costs and fees authorized by statute;~~
- 17 ~~2. Sheriff's fees;~~
- 18 ~~3. Fees and mileage of witnesses; and~~
- 19 ~~4. Cost deposits in the appellate court, whether on appeal, in~~
20 ~~an original proceeding or in any postconviction challenge, if waived~~
21 ~~on the basis of a pauper's affidavit~~ all court financial obligations
22 as defined in Section 983 of Title 22 of the Oklahoma Statutes.

23 SECTION 5. REPEALER Sections 2, 3, 4, 5, and 6 Chapter
24 350, O.S.L. 2022, are hereby repealed.

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SECTION 6. This act shall become effective November 1, 2023.

59-1-2147 TEK 4/25/2023 5:12:34 PM