

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2259

 By: Sterling

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to court financial obligations;
10 amending 19 O.S. 2021, Sections 514.4 and 514.5, as
11 amended by Sections 2 and 3, Chapter 350, O.S.L. 2022
12 (19 O.S. Supp. 2022, Sections 514.4 and 514.5), which
13 relate to the court cost compliance program and
14 warrants; updating effective and references to
15 warrants; directing court cost compliance liaisons to
16 inform individuals of cost hearings; modifying down
17 payment requirement; providing for the recall of
18 cost-related warrants under certain circumstances;
19 amending 22 O.S. 2021, Section 209, as amended by
20 Section 4, Chapter 350, O.S.L. 2022 (22 O.S. Supp.
21 2022, Section 209), which relates to citations to
22 appear; deleting circumstance that authorizes the
23 issuance of a certain citation; amending 22 O.S.
24 2021, Section 983, as amended by Section 5, Chapter
 350, O.S.L. 2022 (22 O.S. Supp. 2022, Section 983),
 which relates to the imposition of fines, costs,
 fees, and assessments; authorizing courts to
 determine whether a defendant has the ability to pay
 court financial obligations; deleting requirement to
 complete certain form; defining terms; removing list
 of information required on certain form; providing
 for hardship waivers under certain circumstances;
 establishing list of factors to be considered by the
 court when determining the ability to pay;
 prohibiting the consideration of certain income or
 assets; providing list of circumstances that makes
 defendants eligible for relief; directing courts to
 inform defendants of total court financial
 obligations owed at time of sentencing; deleting

1 certain reporting procedures; requiring defendants to
2 appear after sentencing to provide certain
3 information to the court; providing consequences for
4 failure to report; establishing terms for payment of
5 court financial obligations; allowing defendants to
6 request cost hearings; requiring district and
7 municipal courts to provide cost hearings upon
8 request; providing procedures for requesting cost
9 hearings; providing for the issuance of certain
10 warrants for failing to appear at requested cost
11 hearing; authorizing courts to rely on testimony,
12 documents and other information when determining
13 ability to pay; allowing courts to order conditions
14 for payment; providing for the issuance of warrants
15 when defendant fails to comply with payment plan
16 terms; establishing guidelines to determine
17 delinquency; directing court clerks to periodically
18 review cases for delinquency; providing procedures to
19 address delinquent cases; providing clarification in
20 summons form; stating procedures for referrals to the
21 court cost compliance program; allowing municipal
22 courts to deliver summons in person; directing law
23 enforcement officers to issue Warning/Notices;
24 prohibiting law enforcement officers to take
defendants into custody on cost warrants; providing
procedures for informing department staff members
about issuing Warning/Notices; allowing for the
issuance of warrants electronically; establishing
procedures for court clerks to follow after
defendants report to their office; providing for the
issuance of certain warrant when defendants fail to
report; stating procedures for cost hearings or
willfulness hearings; making procedures concerning
the issuance of separate summonses inapplicable to
municipal courts not of record under certain
circumstances; providing guidelines for municipal
courts not of record; requiring previously issued
failure to appear warrants be treated as cost cite
and release warrants; making warrant fees previously
assessed to remain in effect unless waived;
prohibiting supporting documents from being publicly
viewable; deleting requirement that nonpayment of
fines be converted into jail sentence; authorizing
courts to conduct willfulness hearings; providing
procedures; allowing courts to evaluate certain
information; providing for jail sentences under
certain circumstances; requiring certain notices be

1 sent to Service Oklahoma; providing internal
2 statutory reference; making certain procedures, rules
3 and forms be available by the Administrative Office
4 of the Courts; amending 28 O.S. 2021, Section 101,
5 which relates to fees and costs in criminal cases;
6 increasing certain jail rates related to fees and
7 costs; modifying scope of certain definition; and
8 providing an effective date.

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

10 SECTION 1. AMENDATORY 19 O.S. 2021, Section 514.4, as
11 amended by Section 2, Chapter 350, O.S.L. 2022 (19 O.S. Supp. 2022,
12 Section 514.4), is amended to read as follows:

13 Section 514.4 A. 1. Effective ~~July~~ November 1, 2023, there is
14 hereby established a court cost compliance program. The purpose of
15 the program shall be to assist county sheriffs and the courts of
16 this state with the collection of fines, costs, fees, and
17 assessments associated with cases in which a warrant has been issued
18 and the case has been referred to the court cost compliance program
19 pursuant to Section 983 of Title 22 of the Oklahoma Statutes.

20 2. County sheriffs of any Oklahoma county may contract with a
21 statewide association of county sheriffs to administer contracts
22 with third parties who shall be known as court cost compliance
23 liaisons. The court cost compliance liaison may assist with
24 attempting to locate and notify persons of their outstanding
misdemeanor or ~~failure to pay~~ cost-related warrants, and recover and
maintain accounts relating to past due fines, fees, costs, and

1 assessments. County sheriffs contracting with a statewide
2 association of county sheriffs for the administration of third-party
3 contracts may assign their rights and duties regarding these third-
4 party contracts to the association.

5 B. A person may make payment directly to the court or court
6 cost compliance liaison as allowed by law, or the court cost
7 compliance liaison, as allowed, shall be authorized to accept
8 payment on misdemeanor or ~~failure to pay~~ cost-related warrants on
9 all cases referred, pursuant to Section 983 of Title 22 of the
10 Oklahoma Statutes, by various means including, but not limited to,
11 payment by phone, mail, or Internet, and in any payment form
12 including, but not limited to, personal, cashier's, traveler's,
13 certified, or guaranteed bank check, postal or commercial money
14 order, nationally recognized credit or a debit card, or other
15 generally accepted payment form. Any payment collected and received
16 by the court cost compliance liaison shall be paid to the court
17 clerk of the court that issued the warrant within fifteen (15) days
18 after receipt of the payment and proof of funds. Any payment
19 collected and received by the court, where the court has referred
20 the case to a court cost compliance liaison, shall be reported to
21 the court cost compliance liaison within four (4) days of receipt of
22 the payment. Any payment returned due to insufficient funds shall
23 have all insufficient fund charges incurred added to the outstanding
24 balance of the defendant. If a credit card payment taken by a court

1 cost compliance liaison is determined to be a fraudulent use of the
2 credit card by the payor and the payment is reversed by the credit
3 card company or payor's bank, the court clerk shall reverse the
4 transaction upon notification, return the payment to the court cost
5 compliance liaison, and the court cost compliance liaison shall
6 continue the collection process until paid. The court clerk shall
7 add any additional fees for the reversal of the transaction plus the
8 administration fees to the outstanding balance of the defendant.
9 Court cost compliance liaisons shall inform individuals of their
10 right to a cost hearing, as provided in Section 983 of Title 22 of
11 the Oklahoma Statutes.

12 C. As provided for by this section, a person may pay in lieu of
13 appearance before the court and such payment accepted by the court
14 shall constitute a finding of ~~guilty~~ guilt as though a plea of nolo
15 contendere had been entered by the defendant as allowed by law and
16 shall function as a written, dated, and signed plea form acceptable
17 to the court. Such payment shall serve as a written waiver of a
18 jury trial.

19 D. The court shall release or recall the outstanding
20 misdemeanor or ~~failure to pay~~ cost-related warrant only upon receipt
21 of all sums due pursuant to said warrant including the misdemeanor
22 or ~~failure to pay~~ cost-related warrant, scheduled fine or sum due,
23 all associated fees, costs and statutory penalty assessments, and
24 the administrative cost pursuant to Section 514.5 of this title, or

1 with a down payment of a minimum of One Hundred Dollars (\$100.00)
2 and a mutually agreeable monthly payment plan. A single down
3 payment shall be sufficient to recall all cost-related warrants
4 against a defendant pending in a single jurisdiction.

5 E. The provisions of any contract entered into by a county
6 sheriff shall be administered by a statewide association of county
7 sheriffs in Oklahoma.

8 F. The provisions of this section and Section 514.5 of this
9 title shall be applicable to:

10 1. Any misdemeanor or ~~failure-to-pay~~ cost-related warrant
11 issued pursuant to Section 983 of Title 22 of the Oklahoma Statutes
12 or relating to any proceeding pursuant to the State and Municipal
13 Traffic Bail Bond Procedure Act;

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

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

19 SECTION 2. AMENDATORY 19 O.S. 2021, Section 514.5, as
20 amended by Section 3, Chapter 350, O.S.L. 2022 (19 O.S. Supp. 2022,
21 Section 514.5), is amended to read as follows:

22 Section 514.5 A. Misdemeanor or ~~failure-to-pay~~ cost-related
23 warrants or cases referred to the court cost compliance liaison
24 pursuant to Section 514.4 of this title shall include the addition

1 of an administrative cost of thirty percent (30%) of the outstanding
2 misdemeanor or ~~failure to pay~~ cost-related warrant, scheduled fine
3 or sum due, and all associated fees, costs and statutory penalty
4 assessments. This administrative cost shall not be waived or
5 reduced unless the amount owed is waived or reduced by the court.

6 B. The administrative cost reflected in subsection A of this
7 section shall be distributed to the court cost compliance liaison, a
8 portion of which may be used to compensate the statewide association
9 administering the contract.

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

12 SECTION 3. AMENDATORY 22 O.S. 2021, Section 209, as
13 amended by Section 4, Chapter 350, O.S.L. 2022 (22 O.S. Supp. 2022,
14 Section 209), is amended to read as follows:

15 Section 209. A. A law enforcement officer who has arrested a
16 person on a misdemeanor charge or violation of an ordinance, without
17 a warrant, ~~or who has found a person to have an outstanding warrant~~
18 ~~for failure to appear for a cost hearing as provided in subsection G~~
19 ~~of Section 983 of this title,~~ may issue a citation to such person to
20 appear in court.

21 B. In issuing a citation hereunder the officer shall proceed as
22 follows:

23 1. The officer shall prepare a written citation to appear in
24 court, containing the name and address of the cited person and the

1 offense charged, and stating when the person shall appear in court.
2 The time specified in the citation to appear shall be at least five
3 (5) days after the issuance of the citation;

4 2. One copy of the citation to appear shall be delivered to the
5 person cited, and such person shall sign a duplicate written
6 citation which shall be retained by the officer;

7 3. The officer shall thereupon release the cited person from
8 any custody; and

9 4. As soon as practicable, the officer shall file one copy of
10 the citation with the court specified therein and shall deliver one
11 copy to the prosecuting attorney.

12 C. In any case in which the judicial officer finds sufficient
13 grounds for issuing a warrant, the judicial officer may issue a
14 summons commanding the defendant to appear in lieu of a warrant.

15 D. If a person summoned fails to appear in response to the
16 summons, a warrant for his or her arrest shall issue, and any person
17 who willfully fails to appear in response to a summons is guilty of
18 a misdemeanor; provided, however, any charges or warrant for failure
19 to appear shall be dismissed if the person can show the court that
20 the person was incarcerated or otherwise detained by law enforcement
21 at the time of the failure to appear.

22 SECTION 4. AMENDATORY 22 O.S. 2021, Section 983, as
23 amended by Section 5, Chapter 350, O.S.L. 2022 (22 O.S. Supp. 2022,
24 Section 983), is amended to read as follows:

1 Section 983. A. 1. Except in cases provided for in Section
2 983b of this title, when the judgment and sentence of a court,
3 either in whole or in part, imposes ~~fin~~es, costs, fees, or
4 ~~assessments~~ court financial obligations upon a defendant, the court
5 at the time of sentencing ~~shall require the defendant to complete~~
6 ~~under oath a form promulgated by the Court of Criminal Appeals that~~
7 ~~provides current information regarding the financial ability of the~~
8 ~~defendant to pay~~ may immediately, or at any point thereafter until
9 the debt is either paid or waived, determine the ability of a
10 defendant to pay the court financial obligations. Courts may make
11 such evaluations and decisions at a cost hearing or upon written
12 motion or affidavit by the defendant. The ability of a defendant to
13 pay court financial obligations may not impact the sentence imposed.

14 2. ~~The information to be required on the form shall include,~~
15 ~~but not be limited to, the~~ When used in this section, unless the
16 context otherwise requires:

17 a. "court financial obligations" means all financial
18 obligations including fines, costs, fees, and
19 assessments, imposed by the court or required by law
20 to be paid, excluding restitution or payments to be
21 made other than to the court clerk,

22 b. "cost hearing" means a hearing wherein the court
23 determines ability of a defendant to pay court
24 financial obligations. Once a cost hearing date has

1 been set, all court financial obligations must be
2 suspended until the cost hearing has been held,

3 c. "willfulness hearing" means a hearing wherein the
4 court determines whether a defendant who has
5 previously been found to have the ability to pay court
6 financial obligations has willfully failed to pay the
7 debt,

8 d. "payment-in-full" means a court financial payment term
9 that requires the defendant to pay the full amount of
10 court financial obligations owed within ninety (90)
11 days of a plea or sentence in the district court or
12 within thirty (30) days of a plea or sentence in the
13 municipal court,

14 e. "payment-in-installments" means payment terms for
15 court financial obligations that require the defendant
16 to make monthly payments in any amount until the
17 amount owed is fully paid,

18 f. "cost arrest warrant" means a warrant authorizing
19 arrest that is issued by a court under the following
20 circumstances:

21 (1) failure to comply with the terms of a court
22 financial obligations payment plan,

23 (2) failure to appear at a cost hearing or
24 willfulness hearing; or

1 (3) failure to appear at the office of the court
2 clerk of the county in which the court financial
3 obligation is owed within ten (10) days of being
4 cited by a law enforcement officer to appear,

5 g. "cost cite and release warrant" means a warrant issued
6 by a court authorizing citation and release under the
7 following circumstances:

8 (1) failure to comply with terms of a court financial
9 obligations payment plan, or

10 (2) failure to appear at a cost hearing or
11 willfulness hearing.

12 3. Defendants with court financial obligations who are found by
13 the court to be unable to pay, in whole or in part, shall be
14 relieved of the debt by the court through a hardship waiver of the
15 court financial obligations, either in whole or in part.

16 4. In determining the ability of a defendant to pay, the court
17 shall consider the following factors:

18 a. individual and household income ~~and,~~

19 b. household living expenses ~~of the defendant, excluding,~~

20 c. number of dependents,

21 d. assets,

22 e. child support ~~and~~ obligations,

23 f. physical or mental health conditions that diminish the
24 ability to generate income or manage resources,

1 g. additional case-related expenses to be paid by the
2 defendant,

3 h. any other factors relevant to the ability of the
4 defendant to pay.

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

7 a. child support income,

8 b. any monies received from a federal ~~or~~, state, or
9 tribal government need-based or disability assistance
10 program, ~~the number of dependents, a listing of~~
11 assets, ~~excluding or~~

12 c. assets exempt from bankruptcy, ~~child support~~
13 obligations, ~~health, mental or behavioral health~~
14 conditions that diminish the ability of the defendant
15 to pay restitution, and ~~additional court-related~~
16 expenses to be paid by the defendant.

17 ~~3. For purposes of this section, fines, costs, fees, and~~
18 ~~assessments shall include all financial obligations imposed by the~~
19 ~~court or required by law to be paid, excluding restitution or~~
20 ~~payments to be made other than to the court clerk, and shall be~~
21 ~~referred to as financial obligations.~~

22 6. Defendants in the following circumstances are presumed
23 unable to pay and eligible for relief under paragraph 3 of this
24 subsection:

- 1 a. designated as totally disabled by any federal, state,
2 or tribal disability services program including, but
3 not limited to, military disability, Social Security
4 Disability income, Supplemental Security income, or
5 tribal disability benefits,
- 6 b. receives support from the Oklahoma Temporary
7 Assistance for Needy Families program, Supplemental
8 Nutrition Assistance Program, the Women, Infants, and
9 Children nutrition education and supplemental food
10 program, or any other federal need-based financial
11 support,
- 12 c. receives subsidized housing support through the
13 Housing Choice Voucher program, the Department of
14 Housing and Urban Development, or other state, local,
15 or federal government housing subsidy program,
- 16 d. has been homeless, as defined in Section 2900.1 of
17 Title 74 of the Oklahoma Statutes, for at least six
18 (6) of the previous twelve (12) months, or
- 19 e. total income is below one hundred fifty percent (150%)
20 of the federal poverty level.

21 B. 1. ~~The~~ At the time of a plea or sentencing, the court shall
22 ~~order~~ inform the defendant ~~to appear immediately after sentencing at~~
23 ~~the office of the court clerk who shall inform the defendant of the~~
24 ~~total amount of all financial obligations that have been ordered by~~

1 ~~the court. If the defendant states to the court clerk that he or~~
2 ~~she is of the total court financial obligations owed, the~~
3 ~~consequences of failing to pay the court financial obligations, and~~
4 ~~that the defendant may request a cost hearing if at any time he or~~
5 ~~she is unable to pay the court financial obligations ~~immediately,~~~~
6 ~~the court clerk, based on the verified information provided by the~~
7 ~~defendant, shall establish, subject to approval of, at which point~~
8 ~~the court, a monthly installment plan that will cause the financial~~
9 ~~obligations to be satisfied within no more than seventy-two (72)~~
10 ~~months, unless extended by may waive all or part of the debt owed.~~
11 ~~If the total 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 clerk shall ~~advise the defendant orally and by~~
17 ~~delivery of a form promulgated by the Court of Criminal Appeals,~~
18 ~~that:~~

19 a. ~~it is the obligation of the defendant to keep order~~
20 ~~the defendant to appear immediately after sentencing~~
21 ~~at the office of the court clerk ~~informed of the to~~~~
22 ~~provide current contact information ~~of the defendant~~~~
23 ~~until the financial obligations have been paid. Such~~
24 ~~information shall include the current mailing and~~

1 ~~physical addresses of the defendant, telephone or~~
2 ~~cellular phone number of the defendant, and the email~~
3 ~~address where the defendant may receive notice from~~
4 ~~the court,~~

5 ~~b. if the defendant is unable to pay the financial~~
6 ~~obligations ordered by the court immediately or in the~~
7 ~~installments recommended by the court clerk, the~~
8 ~~defendant may request a cost hearing for the court to~~
9 ~~determine the ability of the defendant to pay the~~
10 ~~amount due and to request modification of the~~
11 ~~installment plan, a reduction in the amount owed, or~~
12 ~~waiver of payment of the amount owed, and~~

13 ~~c. upon any subsequent change in circumstances affecting~~
14 ~~the ability of the defendant to pay, the defendant may~~
15 ~~contact the court clerk and request additional cost~~
16 ~~hearings before the court and to either select payment~~
17 ~~terms or request a cost hearing. Failure to~~
18 ~~immediately report to the court clerk shall result in~~
19 ~~the full amount of court financial obligations to be~~
20 ~~due ninety (90) days from the date of the plea or~~
21 ~~sentencing in district courts or thirty (30) days from~~
22 ~~the date of the plea or sentencing in municipal~~
23 ~~courts.~~

1 3. ~~An order shall be filed in the case with the approval or~~
2 ~~disapproval by the court of the payment plan. If the court does not~~
3 ~~approve the payment plan recommended by the court clerk, the court~~
4 ~~shall enter its order establishing the payment plan. The Payment of~~
5 ~~court financial obligations may be made under the following terms:~~

6 a. payment-in-full, or

7 b. payment-in-installments.

8 Upon any change in circumstances affecting the ability of a
9 defendant to pay, a defendant shall be notified by certified mail or
10 personal service of the order entered by the court and shall be
11 given the opportunity for may request a cost hearing before the
12 court by contacting the court clerk.

13 4. The district court for each county and all municipal courts
14 shall ~~set a regular time and courtroom for~~ provide a cost hearings
15 hearing for any defendant who requests one, either by establishing a
16 dedicated docket or on an as-requested basis. Defendants who
17 request a cost hearing will receive a summons by personal service or
18 mail to appear in court as required by subsection F of this section.
19 If a defendant fails to appear for a requested cost hearing, the
20 court may issue either a cost cite and release warrant or a cost
21 arrest warrant. No fees shall be assessed or collected from the
22 defendant as a consequence of either requesting a cost hearing or
23 the issuing of a cost cite and release warrant.

1 C. ~~If the defendant requests a cost hearing, the court clerk~~
2 ~~shall set the hearing no later than sixty (60) days after~~
3 ~~sentencing.~~ In determining the ability of the defendant to pay
4 court-related obligations, the court shall may rely on ~~the verified~~
5 testimony, relevant documents, and any information submitted by the
6 ~~defendant on the form~~ provided by the defendant using a cost
7 hearing affidavit promulgated by the Court of Criminal Appeals ~~and~~
8 ~~any updates to the information.~~ In addition, the court may make
9 inquiry of the defendant and consider any other evidence or
10 testimony concerning the ability of the defendant to pay.

11 D. 1. If at the initial cost hearing or any subsequent cost
12 hearing, the court determines that the defendant is ~~unable~~ able to
13 ~~immediately~~ pay some or all of the court financial obligations ~~or~~
14 ~~the required installments, the court may reduce the amount of the~~
15 ~~installments, extend the payment plan beyond seventy-two (72)~~
16 ~~months, or waive payment of all or part of the amount owed. The,~~
17 the court may include a order any of the following conditions for
18 payment:

- 19 a. payment in full,
20 b. payment in installments,
21 c. temporary suspension of payment for a fixed period of
22 time,

23
24

1 d. financial incentive ~~for accelerated payment.~~

2 ~~Additionally, the court may order~~ under a set of
3 ~~conditions determined by the court, or~~

4 e. community service in lieu of payment. ~~The; provided,~~
5 the defendant shall receive credit for no less than
6 two times the amount of the minimum wage specified
7 pursuant to state law for each hour of community
8 service.

9 2. ~~If at any time due to a change in conditions the~~ Any
10 defendant ~~is unable to pay the financial obligations ordered by the~~
11 ~~court or any installment, the defendant~~ who fails to comply with the
12 ~~terms of the payment plan ordered by the court shall be considered~~
13 ~~delinquent and the court may request an additional cost hearing~~
14 ~~issue either a cost cite and release warrant or a cost arrest~~
15 ~~warrant.~~

16 E. If the court determines that a waiver of any of the
17 financial obligations is warranted, the court shall equally apply
18 the same percentage reduction to all fines, costs, fees, and
19 assessments, excluding restitution.

20 F. 1. ~~If a~~ A defendant is considered delinquent in the payment
21 of court financial obligations ~~or an installment by more than sixty~~
22 ~~(60) days, the~~ under the following circumstances:

23 a. when the total amount due has not been paid by the due
24 date, or

1 **b.** when no installment payments have been received in the
2 most recent ninety (90) day period.

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

15 ~~2.~~ **3.** No less than fourteen (14) days prior to the cost
16 hearing, the court clerk shall issue one summons to the defendant to
17 be served by United States mail to the mailing address of the
18 defendant on file in the case, substantially as follows:

19 SUMMONS

20 You are ORDERED to appear for a ~~cost hearing~~ COST HEARING at a
21 specified time, place, and date to determine if you are financially
22 able ~~but willfully refuse or neglect~~ to pay the fines, costs, fees,
23 or assessments or an installment due in Case No. _____.

1 ~~You must be present at the hearing.~~ YOU MUST BE PRESENT AT THE
2 HEARING.

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

8 THIS IS NOT AN ARREST WARRANT. However, if you fail to appear for
9 the cost hearing or ~~to make the payment~~ pay the amount due, the
10 court will issue a WARRANT for ~~"FAILURE TO APPEAR-COST HEARING"~~ and
11 may refer the case to a court cost compliance liaison which will
12 cause an additional thirty percent (30%) administrative fee to be
13 added to the amount owed, and may include additional costs imposed
14 by the court.

15 ~~3. If the defendant fails to appear at~~

16 ~~4. Referrals to the court cost hearing or pay the amount due~~
17 ~~the court shall issue a warrant for FAILURE TO APPEAR-COST HEARING~~
18 ~~and refer the case to the court cost compliance program as provided~~
19 in subsection K of this section shall be made as follows:

- 20 a. courts shall refer a case to the court cost compliance
21 program upon the issuance of a cost arrest warrant,
22 b. courts may refer a case to the court cost compliance
23 program upon the issuance of a cost cite and release
24 warrant, or

1 c. courts may refer a case to the court cost compliance
2 program without the issuance of a warrant; provided,
3 the defendant is delinquent and has had sufficient
4 notice and opportunity to have a cost hearing.

5 ~~4.~~ 5. Municipal courts, in lieu of mailing the summons provided
6 for in this subsection, may give the defendant personal notice
7 summons to the defendant in person at the time of sentencing or
8 subsequent appearance of a specific date, time, and place, not less
9 than sixty (60) days nor more than one hundred twenty (120) days
10 from the date of sentencing to appear for a cost hearing if the
11 ~~finer, costs, fees, and assessments~~ court financial obligations
12 remain unpaid.

13 G. 1. If a defendant is found by a law enforcement officer to
14 have an outstanding cost cite and release warrant for FAILURE TO
15 ~~APPEAR COST HEARING,~~ the law enforcement officer shall release the
16 ~~defendant and issue a citation to appear pursuant to Section 209 of~~
17 ~~this title~~ Warning/Notice ordering the defendant to report within
18 ten (10) days of release from detention on the warrant to the court
19 clerk of the court in which the court financial obligations are
20 owed. The law enforcement officer shall not take the defendant into
21 custody at this time, and no other law enforcement officer who
22 encounters the defendant during this ten-day period may take the
23 defendant into custody on the warrant. The law enforcement officer
24 shall inform the appropriate department staff member within the

1 agency of the law enforcement officer of the Warning/Notice within
2 five (5) days. The department staff member shall then promptly
3 notify the law enforcement agency in the jurisdiction that issued
4 the warrant electronically. This electronic communication shall be
5 treated as a duplicate original for all purposes in any subsequent
6 hearings before the appropriate court.

7 2. If the defendant fails to appear at the time and place cited
8 by the law enforcement officer, the court may issue a summons or
9 warrant as provided in Section 209 of this title. The provisions of
10 this subsection shall not apply to a municipal court reports to the
11 office of the court clerk within the ten (10) days, the court clerk
12 shall:

- 13 a. inform the court of the Warning/Notice to the
14 defendant and contact,
- 15 b. schedule a cost hearing pursuant to applicable local
16 court rule, and
- 17 c. submit the warrant to the court for recall pending the
18 cost hearing.

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

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

1 a. the defendant pays One Hundred Dollars (\$100.00)
2 toward the court financial obligation, is released
3 from custody, and the new cost hearing date is
4 provided, or

5 b. the court releases the defendant on the defendant's
6 own recognizance and a new cost hearing date is
7 provided.

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

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

23 H. ~~In determining whether the defendant is able to pay~~
24 ~~delinquent~~ Supporting documents in a motion or affidavit for relief

1 ~~from court financial obligations~~ obligation debt or any ~~installments~~
2 ~~due, the court shall consider the criteria provided in subsection C~~
3 ~~of this section~~ documents taken into evidence during a cost hearing
4 or willfulness hearing shall not be publicly viewable on a court-
5 controlled website.

6 I. ~~Any~~ 1. After a cost hearing where a defendant has been
7 ~~found guilty of an offense in any court of this state may be~~
8 ~~imprisoned for nonpayment of his or her~~ able to pay a court
9 ~~financial obligations when the~~ obligation, either in whole or in
10 part, and then becomes delinquent in that payment, a court finds
11 ~~after notice and~~ may conduct a willfulness hearing that the
12 ~~defendant is financially able but willfully refuses or neglects to~~
13 ~~pay~~ at any time beginning immediately after a cost hearing has been
14 held and a decision rendered on the court financial obligations
15 ~~owed. A sentence to pay a fine, cost, fee, or assessment may be~~
16 ~~converted into a jail sentence only after a hearing and a judicial~~
17 ~~determination, memorialized of record, that the defendant is able to~~
18 ~~satisfy the fine, cost, fee, or assessment by payment, but refuses~~
19 ~~or neglects so to do~~ obligation at issue, and after sufficient
20 notice to the defendant of the hearing. Findings of a defendant's
21 prior ability to pay may be considered as evidence of ability to pay
22 or willfulness at the hearing. This provision shall not be
23 interpreted to prohibit the ability of the court to hold subsequent
24 cost hearings on the same court financial obligations.

1 2. At a willfulness hearing, the court shall evaluate the
2 following:

3 a. whether a cost hearing has been held previously where
4 evidence relating to ability to pay was presented and
5 the court found the defendant was able to pay the
6 court financial obligations, either in whole or in
7 part,

8 b. whether there is any new evidence of ability to pay
9 not previously considered or a change in circumstances
10 since the cost hearing,

11 c. whether the defendant was afforded sufficient time and
12 opportunity to fulfill the obligation to pay the court
13 financial obligations,

14 d. whether the defendant made any efforts to satisfy the
15 court financial obligations, and

16 e. whether there are any other relevant facts or
17 circumstances.

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

22 a. the hearing is conducted on the record pursuant to the
23 rules promulgated by the Court of Criminal Appeals,
24 and

1 b. the defendant is represented by counsel or expressly
2 waives his or her right to counsel.

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

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

1 K. All counties of the state shall fully utilize and
2 participate in the court cost compliance program. Cases shall be
3 referred to the court cost compliance program ~~not less than thirty~~
4 ~~(30) days nor~~ no more than sixty (60) days after the ~~defendant fails~~
5 ~~to appear for a cost hearing~~ court has ordered the referral pursuant
6 to paragraph 4 of subsection F of this section, unless the defendant
7 pays the amount owed on the court financial obligation, or an
8 installment due. When the court refers the case, the updated
9 contact information on file shall be forwarded to a court cost
10 compliance liaison for collection purposes.

11 L. The Court of Criminal Appeals shall implement procedures,
12 ~~forms,~~ and rules consistent with the provisions of this section ~~for~~
13 ~~methods of establishing payment plans of fines, costs, fees, and~~
14 ~~assessments by indigents, which.~~ Such procedures, ~~forms,~~ and rules
15 ~~shall be distributed to all district courts and municipal courts,~~
16 and any supplemental forms may be made available by the
17 Administrative Office of the Courts.

18 SECTION 5. AMENDATORY 28 O.S. 2021, Section 101, is
19 amended to read as follows:

20 Section 101. The fees herein provided for the clerk of the
21 district court and the sheriff, as provided in this act, and all
22 costs in the prosecution of all criminal actions shall, in case of
23 conviction of the defendant, be adjudged a part of the penalty of
24 the offense of which the defendant may be convicted, whether the

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

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

- 19 1. ~~Court clerk's costs and fees authorized by statute;~~
- 20 2. ~~Sheriff's fees;~~
- 21 3. ~~Fees and mileage of witnesses; and~~
- 22 4. ~~Cost deposits in the appellate court, whether on appeal, in~~
23 ~~an original proceeding or in any postconviction challenge, if waived~~

24

1 ~~on the basis of a pauper's affidavit~~ all court financial obligations
2 as defined in Section 983 of Title 22 of the Oklahoma Statutes.

3 SECTION 6. This act shall become effective November 1, 2023.
4

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
6 03/02/2023 - DO PASS, As Amended.
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