

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2259

By: Sterling and Goodwin of the  
House

and

Howard of the Senate

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

21 AUTHOR: Add the following House Coauthor: Pittman

22 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause  
23 and entire bill and insert

24

1 "An Act relating to court financial obligations;  
2 amending 19 O.S. 2021, Sections 514.4 and 514.5,  
3 which relate to outstanding warrants and  
4 administrative costs; establishing court cost  
5 compliance program; stating purpose of program;  
6 authorizing assistance of court cost compliance  
7 liaisons; modifying requirements for certain  
8 payments; establishing procedures for payments in  
9 cases referred to court cost compliance liaison;  
10 requiring reversal of transaction upon certain  
11 notification; authorizing addition of certain fees;  
12 requiring court cost compliance liaison to provide  
13 certain information; modifying procedures for release  
14 or recall of certain warrants; conforming language;  
15 authorizing certain waiver or reduction; amending 22  
16 O.S. 2021, Section 983, which relates to failure to  
17 pay fines, costs, fees, or assessments; defining  
18 terms; authorizing court to make determination of  
19 defendant's ability to pay; authorizing hardship  
20 waiver of court financial obligations under certain  
21 circumstances; requiring court to consider certain  
22 factors when making determination of ability to pay;  
23 prohibiting consideration of certain amounts as  
24 income; establishing presumptions of inability to  
pay; requiring court to provide certain information  
to defendant; requiring immediate appearance after  
sentencing by defendant to court clerk for certain  
purposes; stating consequence of certain failure to  
appear; authorizing certain payment terms for court  
financial obligations; authorizing defendant to  
request cost hearing; establishing procedures and  
requirements for cost hearing; authorizing court to  
rely on certain testimony and documentation for  
making certain determination; requiring promulgation  
of certain affidavit by Court of Criminal Appeals;  
authorizing certain conditions of payment by  
defendant able to pay; authorizing issuance of  
certain warrants; directing percentage of reduction  
of certain court financial obligations; establishing  
requirements and procedures for certain delinquency;  
specifying form of certain summons; directing  
referrals to court cost compliance program;  
establishing procedures for outstanding cost cite and  
release warrants; requiring law enforcement officer  
to issue certain warning; establishing procedures for  
issuance of certain warning; requiring certain  
actions by court clerk upon reporting of defendant;

1 authorizing issuance of cost arrest warrant for  
2 failure to report; requiring court to conduct cost  
3 hearing or willfulness hearing under certain  
4 circumstances; providing exception to certain summons  
5 requirement; stating effect of provisions on certain  
6 warrants; providing for confidentiality of certain  
7 supporting documents; authorizing willfulness hearing  
8 under certain circumstances; construing provisions;  
9 requiring certain evaluations by court at willfulness  
10 hearing; authorizing court to impose jail sentence  
11 under certain circumstances; authorizing granting of  
12 certain credit upon imposition of jail sentence;  
13 modifying requirements for certain notice to Service  
14 Oklahoma; requiring county participation in court  
15 cost compliance program; requiring case referrals  
16 within certain time period; modifying requirements  
17 for certain procedures and rules; amending 28 O.S.  
18 2021, Section 101, which relates to fees and costs in  
19 criminal cases; conforming language; increasing daily  
20 rates for imprisonment for satisfaction of court  
21 financial obligations; modifying definition;  
22 repealing Sections 2, 3, 4, 5, and 6, Chapter 350,  
23 O.S.L. 2022, which relate to court financial  
24 obligations; and providing an effective date.

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

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 program shall be to assist county sheriffs and the courts of this state with the collection of fines, costs, fees, and assessments associated with any case in which a warrant has been issued and the

1 case has been referred to the court cost compliance program pursuant  
2 to Section 983 of Title 22 of the Oklahoma Statutes.

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

14 B. A person may make payment directly to the court, as allowed  
15 by law, or the ~~contractor~~ court cost compliance liaison, as allowed,  
16 shall be authorized to accept payment on misdemeanor or ~~failure to~~  
17 ~~pay~~ cost-related warrants on all cases referred pursuant to Section  
18 983 of Title 22 of the Oklahoma Statutes by various means including<sub>7</sub>  
19 but not limited to<sub>7</sub> payment by phone, mail, or Internet, and in any  
20 payment form including<sub>7</sub> but not limited to<sub>7</sub> personal, cashier's,  
21 traveler's, certified, or guaranteed bank check, postal or  
22 commercial money order, nationally recognized credit or a debit  
23 card, or other generally accepted payment form. Any payment  
24 collected and received by the ~~contractor~~ court cost compliance

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

22 C. As provided for by this section, a person may pay in lieu of  
23 appearance before the court and such payment accepted by the court  
24 shall constitute a finding of ~~guilty~~ guilt as though a plea of nolo

1 | contendere had been entered by the defendant as allowed by law and  
2 | shall function as a written, dated, and signed plea form acceptable  
3 | to the court. Such payment shall serve as a written waiver of a  
4 | jury trial.

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

16 | E. The provisions of any contract entered into by a county  
17 | sheriff shall be administered by a statewide association of county  
18 | sheriffs in Oklahoma.

19 | F. The provisions of this section and Section 514.5 of this  
20 | title shall be applicable to:

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

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

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

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

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

17           B. The administrative cost reflected in subsection A of this  
18 section, ~~when collected,~~ shall be distributed to the ~~third-party~~  
19 ~~contractor~~ court cost compliance liaison, a portion of which may be  
20 used to compensate the statewide association administrating the  
21 contract.

22           C. The monies collected and disbursed shall be audited at least  
23 once a year by a firm approved by the State Auditor and Inspector.  
24

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

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

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

7 a. failure to comply with the terms of a court financial  
8 obligations payment plan,

9 b. failure to appear at a cost hearing or willfulness  
10 hearing, or

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

15 2. "Cost cite and release warrant" means a warrant issued by a  
16 court authorizing citation and release under the following  
17 circumstances:

18 a. failure to comply with terms of a court financial  
19 obligations payment plan, or

20 b. failure to appear at a cost hearing or willfulness  
21 hearing;

22 3. "Cost hearing" means a hearing in which the court determines  
23 the ability of a defendant to pay court financial obligations. Once  
24



1 a cost hearing date has been set, all court financial obligations  
2 shall be suspended until the cost hearing has been held;

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

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

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

15 7. "Willfulness hearing" means a hearing in which the court  
16 determines whether a defendant who has previously been found to have  
17 the ability to pay court financial obligations has willfully failed  
18 to pay the debt.

19 B. 1. Except in cases provided for in Section 983b of this  
20 title, when the judgment and sentence of a court, either in whole or  
21 in part, imposes court financial obligations upon a defendant, the  
22 court at the time of sentencing may immediately, or at any point  
23 thereafter until the debt is either paid or waived, determine the  
24 ability of a defendant to pay the court financial obligations. The

1 court may make such determinations at a cost hearing or upon written  
2 motion or affidavit by the defendant. The ability of a defendant to  
3 pay court financial obligations may not impact the sentence imposed.

4 2. Defendants with court financial obligations who are found by  
5 the court to be unable to pay, in whole or in part, shall be  
6 relieved of the debt by the court through a hardship waiver of the  
7 court financial obligations, either in whole or in part.

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

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

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

- 23 a. child support income,

1           b. any monies received from a federal, state, or tribal  
2           government need-based or disability assistance  
3           program, or

4           c. assets exempt from bankruptcy.

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

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

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

19           c. receives subsidized housing support through the  
20           Housing Choice Voucher program, the United States  
21           Department of Housing and Urban Development, or other  
22           state, local, or federal government housing subsidy  
23           program, or

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

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

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

22           3. Payment of court financial obligations may be made under the  
23 following terms:

24           a. payment in full, or

1           b.    payment in installments.

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

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

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

23           E.    1.    If at the initial cost hearing or any subsequent cost  
24 hearing, the court determines that the defendant is able to pay some

1 or all of the court financial obligations, the court may order any  
2 of the following conditions for payment:

- 3       a. payment in full,
- 4       b. payment in installments,
- 5       c. financial incentive under a set of conditions  
6       determined by the court, or
- 7       d. community service in lieu of payment; provided, the  
8       defendant shall receive credit for no less than two  
9       times the amount of the minimum wage specified  
10       pursuant to state law for each hour of community  
11       service.

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

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

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

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

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

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

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

17           SUMMONS

18           You are ORDERED to appear for a COST HEARING at a specified  
19 time, place, and date to determine if you are financially able to  
20 pay the fines, costs, fees, or assessments or an installment due in  
21 Case No. \_\_\_\_\_.

22           YOU MUST BE PRESENT AT THE HEARING.

23           At any time before the date of the cost hearing, you may contact  
24 the court clerk and pay the amount due or request in writing or in

1 person prior to the court date, that the hearing be rescheduled for  
2 no later than thirty (30) days after the scheduled time.

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

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

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

20 5. A municipal court, in lieu of mailing the summons provided  
21 for in this subsection, may give the summons to the defendant in  
22 person at the time of sentencing or subsequent appearance of a  
23 specific date, time, and place, not fewer than thirty (30) days nor  
24 more than one hundred twenty (120) days from the date of sentencing



1 to appear for a cost hearing if the court financial obligations  
2 remain unpaid.

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

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

3            a. inform the court of the Warning/Notice to the  
4            defendant and contact,

5            b. schedule a cost hearing pursuant to applicable local  
6            court rule, and

7            c. submit the warrant to the court for recall pending the  
8            cost hearing.

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

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

15            a. the defendant pays One Hundred Dollars (\$100.00)  
16            toward the court financial obligation, is released  
17            from custody, and the new cost hearing date is  
18            provided, or

19            b. the court releases the defendant on the defendant's  
20            own recognizance and a new cost hearing date is  
21            provided.

22        5. The provisions for issuing a separate summons described in  
23 subsection G of this section shall not apply to a municipal court if  
24 the municipal court has previously provided actual personal notice

1 to the defendant of an opportunity for a cost hearing. If such  
2 notice was given and the defendant fails to appear, the municipal  
3 court may issue either a cost cite and release warrant or a cost  
4 arrest warrant.

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

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

17 J. 1. After a cost hearing where a defendant is found guilty  
18 of an offense in any court of this state may be imprisoned for  
19 nonpayment of the fine, cost, fee, or assessment when the trial able  
20 to pay a court financial obligation, either in whole or in part, and  
21 then becomes delinquent in that payment, a court finds after notice  
22 and may conduct a willfulness hearing that the defendant is  
23 financially able but refuses or neglects to pay the fine, cost, fee,  
24 or assessment. A sentence to pay a fine, cost, fee, or assessment

1 ~~may be converted into a jail sentence only after a hearing and a~~  
2 ~~judicial determination, memorialized of record, that the defendant~~  
3 ~~is able to satisfy the fine, cost, fee, or assessment by payment,~~  
4 ~~but refuses or neglects so to do.~~

5 B. ~~After a judicial determination that the defendant is able to~~  
6 ~~pay the fine, cost, fee, or assessment in installments, the court~~  
7 ~~may order the fine, cost, fee, or assessment to be paid in~~  
8 ~~installments and shall set the amount and date for each installment~~  
9 at any time beginning immediately after a cost hearing has been held  
10 and a decision rendered on the court financial obligations.

11 Findings of a defendant's prior ability to pay may be considered as  
12 evidence of ability to pay or willfulness at the hearing. The  
13 requirements of this paragraph shall not be construed to prohibit  
14 the court from holding subsequent cost hearings on the same court  
15 financial obligations.

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

18 a. whether a cost hearing has been held previously where  
19 evidence relating to ability to pay was presented and  
20 the court found the defendant was able to pay the  
21 court financial obligations, either in whole or in  
22 part,

23  
24

- 1           b. whether there is any new evidence of ability to pay  
2           not previously considered or a change in circumstances  
3           since the cost hearing,
- 4           c. whether the defendant was afforded sufficient time and  
5           opportunity to fulfill the obligation to pay the court  
6           financial obligations,
- 7           d. whether the defendant made any efforts to satisfy the  
8           court financial obligations, and
- 9           e. whether there are any other relevant facts or  
10           circumstances.

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

- 15           a. the hearing is conducted on the record pursuant to the  
16           rules promulgated by the Court of Criminal Appeals,  
17           and
- 18           b. the defendant is represented by counsel or expressly  
19           waives his or her right to counsel.

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

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

18        L. Every county of this state shall fully utilize and  
19 participate in the court cost compliance program. Cases shall be  
20 referred to the court cost compliance program no more than sixty  
21 (60) days after the court has ordered the referral pursuant to  
22 paragraph 4 of subsection G of this section, unless the defendant  
23 pays the amount owed on the court financial obligation or an  
24 installment due. When the court refers a case, the updated contact

1 information on file shall be forwarded to a court cost compliance  
2 liaison for collection purposes.

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

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

12 Section 101. The fees herein provided for the clerk of the  
13 district court and the sheriff, as provided in this ~~act~~ section, and  
14 all costs in the prosecution of all criminal actions shall, in case  
15 of conviction of the defendant, be adjudged a part of the penalty of  
16 the offense of which the defendant may be convicted, whether the  
17 punishment for such offense be either imprisonment, or fine, or  
18 both, and fixed either by the verdict of the jury, or judgment of  
19 the court, trying the case, and if the defendant shall refuse to pay  
20 the ~~fine, fees or costs~~ court financial obligations, the payment of  
21 such fees and costs, in addition to the payment of the fine  
22 assessed, shall be enforced by imprisonment until the same shall be  
23 satisfied at a rate of ~~Twenty-five Dollars (\$25.00)~~ up to One  
24 Hundred Dollars (\$100.00) per day of such fees and costs, or fine,

1 or both, or shall be satisfied at a rate of ~~Fifty Dollars (\$50.00)~~  
2 up to Two Hundred Dollars (\$200.00) per day of such fees and costs,  
3 or fine, or both, should the defendant perform useful labor. If the  
4 defendant is without means to pay the fine, fees or costs, the total  
5 amount owed ~~shall~~ may be entered ~~upon the~~ as a judgment ~~docket~~ and  
6 thereupon the same remedies shall be available for the enforcement  
7 of ~~said the~~ judgment as are available to any other judgment  
8 creditor.

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

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

19 SECTION 5. REPEALER Sections 2, 3, 4, 5, and 6, Chapter  
20 350, O.S.L. 2022, are hereby repealed.

21 SECTION 6. This act shall become effective November 1, 2023."  
22  
23  
24





1 ENGROSSED HOUSE  
2 BILL NO. 2259

By: Sterling and Goodwin of the  
House

3 and

4 Howard of the Senate  
5  
6  
7

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

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

22 SECTION 7. AMENDATORY 19 O.S. 2021, Section 514.4, as  
23 amended by Section 2, Chapter 350, O.S.L. 2022 (19 O.S. Supp. 2022,  
24 Section 514.4), is amended to read as follows:

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

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

19 B. A person may make payment directly to the court or court  
20 cost compliance liaison as allowed by law, or the court cost  
21 compliance liaison, as allowed, shall be authorized to accept  
22 payment on misdemeanor or ~~failure-to-pay~~ cost-related warrants on  
23 all cases referred, pursuant to Section 983 of Title 22 of the  
24 Oklahoma Statutes, by various means including, but not limited to,

1 payment by phone, mail, or Internet, and in any payment form  
2 including, but not limited to, personal, cashier's, traveler's,  
3 certified, or guaranteed bank check, postal or commercial money  
4 order, nationally recognized credit or a debit card, or other  
5 generally accepted payment form. Any payment collected and received  
6 by the court cost compliance liaison shall be paid to the court  
7 clerk of the court that issued the warrant within fifteen (15) days  
8 after receipt of the payment and proof of funds. Any payment  
9 collected and received by the court, where the court has referred  
10 the case to a court cost compliance liaison, shall be reported to  
11 the court cost compliance liaison within four (4) days of receipt of  
12 the payment. Any payment returned due to insufficient funds shall  
13 have all insufficient fund charges incurred added to the outstanding  
14 balance of the defendant. If a credit card payment taken by a court  
15 cost compliance liaison is determined to be a fraudulent use of the  
16 credit card by the payor and the payment is reversed by the credit  
17 card company or payor's bank, the court clerk shall reverse the  
18 transaction upon notification, return the payment to the court cost  
19 compliance liaison, and the court cost compliance liaison shall  
20 continue the collection process until paid. The court clerk shall  
21 add any additional fees for the reversal of the transaction plus the  
22 administration fees to the outstanding balance of the defendant.  
23 Court cost compliance liaisons shall inform individuals of their  
24

1 right to a cost hearing, as provided in Section 983 of Title 22 of  
2 the Oklahoma Statutes.

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

10 D. The court shall release or recall the outstanding  
11 misdemeanor or ~~failure-to-pay~~ cost-related warrant only upon receipt  
12 of all sums due pursuant to said warrant including the misdemeanor  
13 or ~~failure-to-pay~~ cost-related warrant, scheduled fine or sum due,  
14 all associated fees, costs and statutory penalty assessments, and  
15 the administrative cost pursuant to Section 514.5 of this title, or  
16 with a down payment of a minimum of One Hundred Dollars (\$100.00)  
17 and a mutually agreeable monthly payment plan. A single down  
18 payment shall be sufficient to recall all cost-related warrants  
19 against a defendant pending in a single jurisdiction.

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

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

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 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 8.           AMENDATORY           19 O.S. 2021, Section 514.5, as  
11 amended by Section 3, Chapter 350, O.S.L. 2022 (19 O.S. Supp. 2022,  
12 Section 514.5), is amended to read as follows:

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

21           B. The administrative cost reflected in subsection A of this  
22 section shall be distributed to the court cost compliance liaison, a  
23 portion of which may be used to compensate the statewide association  
24 administrating the contract.

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

3 SECTION 9. AMENDATORY 22 O.S. 2021, Section 209, as  
4 amended by Section 4, Chapter 350, O.S.L. 2022 (22 O.S. Supp. 2022,  
5 Section 209), is amended to read as follows:

6 Section 209. A. A law enforcement officer who has arrested a  
7 person on a misdemeanor charge or violation of an ordinance, without  
8 a warrant, ~~or who has found a person to have an outstanding warrant~~  
9 ~~for failure to appear for a cost hearing as provided in subsection C~~  
10 ~~of Section 983 of this title,~~ may issue a citation to such person to  
11 appear in court.

12 B. In issuing a citation hereunder the officer shall proceed as  
13 follows:

14 1. The officer shall prepare a written citation to appear in  
15 court, containing the name and address of the cited person and the  
16 offense charged, and stating when the person shall appear in court.  
17 The time specified in the citation to appear shall be at least five  
18 (5) days after the issuance of the citation;

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

22 3. The officer shall thereupon release the cited person from  
23 any custody; and  
24

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

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

7 D. If a person summoned fails to appear in response to the  
8 summons, a warrant for his or her arrest shall issue, and any person  
9 who willfully fails to appear in response to a summons is guilty of  
10 a misdemeanor; provided, however, any charges or warrant for failure  
11 to appear shall be dismissed if the person can show the court that  
12 the person was incarcerated or otherwise detained by law enforcement  
13 at the time of the failure to appear.

14 SECTION 10. AMENDATORY 22 O.S. 2021, Section 983, as  
15 amended by Section 5, Chapter 350, O.S.L. 2022 (22 O.S. Supp. 2022,  
16 Section 983), is amended to read as follows:

17 Section 983. A. 1. Except in cases provided for in Section  
18 983b of this title, when the judgment and sentence of a court,  
19 either in whole or in part, imposes ~~finances, costs, fees, or~~  
20 ~~assessments~~ court financial obligations upon a defendant, the court  
21 at the time of sentencing ~~shall require the defendant to complete~~  
22 ~~under oath a form promulgated by the Court of Criminal Appeals that~~  
23 ~~provides current information regarding the financial ability of the~~  
24 ~~defendant to pay~~ may immediately, or at any point thereafter until



1 the debt is either paid or waived, determine the ability of a  
2 defendant to pay the court financial obligations. Courts may make  
3 such evaluations and decisions at a cost hearing or upon written  
4 motion or affidavit by the defendant. The ability of a defendant to  
5 pay court financial obligations may not impact the sentence imposed.

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

9 a. "court financial obligations" means all financial  
10 obligations including fines, costs, fees, and  
11 assessments, imposed by the court or required by law  
12 to be paid, excluding restitution or payments to be  
13 made other than to the court clerk,

14 b. "cost hearing" means a hearing wherein the court  
15 determines ability of a defendant to pay court  
16 financial obligations. Once a cost hearing date has  
17 been set, all court financial obligations must be  
18 suspended until the cost hearing has been held,

19 c. "willfulness hearing" means a hearing wherein the  
20 court determines whether a defendant who has  
21 previously been found to have the ability to pay court  
22 financial obligations has willfully failed to pay the  
23 debt,

1        d. "payment-in-full" means a court financial payment term  
2        that requires the defendant to pay the full amount of  
3        court financial obligations owed within ninety (90)  
4        days of a plea or sentence in the district court or  
5        within thirty (30) days of a plea or sentence in the  
6        municipal court,

7        e. "payment-in-installments" means payment terms for  
8        court financial obligations that require the defendant  
9        to make monthly payments in any amount until the  
10       amount owed is fully paid,

11       f. "cost arrest warrant" means a warrant authorizing  
12       arrest that is issued by a court under the following  
13       circumstances:

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

16       (2) failure to appear at a cost hearing or  
17       willfulness hearing, or

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

22       g. "cost cite and release warrant" means a warrant issued  
23       by a court authorizing citation and release under the  
24       following circumstances:

- 1           (1) failure to comply with terms of a court financial  
2           obligations payment plan, or  
3           (2) failure to appear at a cost hearing or  
4           willfulness hearing.

5           3. Defendants with court financial obligations who are found by  
6 the court to be unable to pay, in whole or in part, shall be  
7 relieved of the debt by the court through a hardship waiver of the  
8 court financial obligations, either in whole or in part.

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

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

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

- 24           a. child support income,

1            b.    any monies received from a federal ~~or~~, state, or  
2            tribal government need-based or disability assistance  
3            program, ~~the number of dependents, a listing of~~  
4            ~~assets, excluding or~~

5            c.    assets exempt from bankruptcy, ~~child support~~  
6            ~~obligations, health, mental or behavioral health~~  
7            ~~conditions that diminish the ability of the defendant~~  
8            ~~to pay restitution, and additional court-related~~  
9            ~~expenses to be paid by the defendant.~~

10           ~~3. For purposes of this section, fines, costs, fees, and~~  
11 ~~assessments shall include all financial obligations imposed by the~~  
12 ~~court or required by law to be paid, excluding restitution or~~  
13 ~~payments to be made other than to the court clerk, and shall be~~  
14 ~~referred to as financial obligations.~~

15           6. Defendants in the following circumstances are presumed  
16 unable to pay and eligible for relief under paragraph 3 of this  
17 subsection:

18           a.    designated as totally disabled by any federal, state,  
19           or tribal disability services program including, but  
20           not limited to, military disability, Social Security  
21           Disability income, Supplemental Security income, or  
22           tribal disability benefits,

23           b.    receives support from the Oklahoma Temporary  
24           Assistance for Needy Families program, Supplemental

1           Nutrition Assistance Program, the Women, Infants, and  
2           Children nutrition education and supplemental food  
3           program, or any other federal need-based financial  
4           support,

5           c. receives subsidized housing support through the  
6           Housing Choice Voucher program, the Department of  
7           Housing and Urban Development, or other state, local,  
8           or federal government housing subsidy program,

9           d. has been homeless, as defined in Section 2900.1 of  
10           Title 74 of the Oklahoma Statutes, for at least six  
11           (6) of the previous twelve (12) months, or

12           e. total income is below one hundred fifty percent (150%)  
13           of the federal poverty level.

14           B. 1. ~~The~~ At the time of a plea or sentencing, the court shall  
15 ~~order~~ inform the defendant ~~to appear immediately after sentencing at~~  
16 ~~the office of the court clerk who shall inform the defendant of the~~  
17 ~~total amount of all financial obligations that have been ordered by~~  
18 ~~the court. If the defendant states to the court clerk that he or~~  
19 ~~she is~~ of the total court financial obligations owed, the  
20 consequences of failing to pay the court financial obligations, and  
21 that the defendant may request a cost hearing if at any time he or  
22 she is unable to pay the court financial obligations ~~immediately,~~  
23 ~~the court clerk, based on the verified information provided by the~~  
24 ~~defendant, shall establish, subject to approval of,~~ at which point

1 the court, ~~a monthly installment plan that will cause the financial~~  
2 ~~obligations to be satisfied within no more than seventy two (72)~~  
3 ~~months, unless extended by~~ may waive all or part of the debt owed.  
4 If the total court financial obligations owed is not available at  
5 the time of the plea or sentencing, the court shall inform the  
6 defendant that court financial obligations have been incurred and  
7 the time and location where the defendant may learn of the total  
8 amount owed.

9 2. The court ~~clerk shall advise the defendant orally and by~~  
10 ~~delivery of a form promulgated by the Court of Criminal Appeals,~~  
11 ~~that:~~

12 a. ~~it is the obligation of the defendant to keep order~~  
13 ~~the defendant to appear immediately after sentencing~~  
14 ~~at the office of the court clerk informed of the to~~  
15 ~~provide current~~ contact information ~~of the defendant~~  
16 ~~until the financial obligations have been paid. Such~~  
17 ~~information shall include the current mailing and~~  
18 ~~physical addresses of the defendant, telephone or~~  
19 ~~cellular phone number of the defendant, and the email~~  
20 ~~address where the defendant may receive notice from~~  
21 ~~the court,~~

22 b. ~~if the defendant is unable to pay the financial~~  
23 ~~obligations ordered by the court immediately or in the~~  
24 ~~installments recommended by the court clerk, the~~

1 ~~defendant may request a cost hearing for the court to~~  
2 ~~determine the ability of the defendant to pay the~~  
3 ~~amount due and to request modification of the~~  
4 ~~installment plan, a reduction in the amount owed, or~~  
5 ~~waiver of payment of the amount owed, and~~  
6 e. ~~upon any subsequent change in circumstances affecting~~  
7 ~~the ability of the defendant to pay, the defendant may~~  
8 ~~contact the court clerk and request additional cost~~  
9 ~~hearings before the court and to either select payment~~  
10 ~~terms or request a cost hearing. Failure to~~  
11 ~~immediately report to the court clerk shall result in~~  
12 ~~the full amount of court financial obligations to be~~  
13 ~~due ninety (90) days from the date of the plea or~~  
14 ~~sentencing in district courts or thirty (30) days from~~  
15 ~~the date of the plea or sentencing in municipal~~  
16 ~~courts.~~

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

- 22 a. payment-in-full, or  
23 b. payment-in-installments.  
24

1 Upon any change in circumstances affecting the ability of a  
2 defendant to pay, a defendant shall be notified by certified mail or  
3 personal service of the order entered by the court and shall be  
4 given the opportunity for may request a cost hearing before the  
5 court by contacting the court clerk.

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

17 C. ~~If the defendant requests a cost hearing, the court clerk~~  
18 ~~shall set the hearing no later than sixty (60) days after~~  
19 ~~sentencing.~~ In determining the ability of the defendant to pay  
20 court-related obligations, the court shall may rely on the verified  
21 testimony, relevant documents, and any information submitted by the  
22 defendant on the form provided by the defendant using a cost  
23 hearing affidavit promulgated by the Court of Criminal Appeals and  
24 any updates to the information. In addition, the court may make



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

3 D. 1. If at the initial cost hearing or any subsequent cost  
4 hearing, the court determines that the defendant is ~~unable~~ able to  
5 ~~immediately~~ pay some or all of the court financial obligations ~~or~~  
6 ~~the required installments, the court may reduce the amount of the~~  
7 ~~installments, extend the payment plan beyond seventy two (72)~~  
8 ~~months, or waive payment of all or part of the amount owed. The,~~  
9 the court may include a order any of the following conditions for  
10 payment:

11 a. payment in full,

12 b. payment in installments,

13 c. temporary suspension of payment for a fixed period of  
14 time,

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

16 ~~Additionally, the court may order~~ under a set of  
17 conditions determined by the court, or

18 e. community service in lieu of payment. ~~The; provided,~~  
19 the defendant shall receive credit for no less than  
20 two times the amount of the minimum wage specified  
21 pursuant to state law for each hour of community  
22 service.

23 2. ~~If at any time due to a change in conditions the~~ Any  
24 ~~defendant is unable to pay the financial obligations ordered by the~~

1 ~~court or any installment, the defendant who fails to comply with the~~  
2 ~~terms of the payment plan ordered by the court shall be considered~~  
3 ~~delinquent and the court may request an additional cost hearing~~  
4 ~~issue either a cost cite and release warrant or a cost arrest~~  
5 ~~warrant.~~

6 E. If the court determines that a waiver of any of the  
7 financial obligations is warranted, the court shall equally apply  
8 the same percentage reduction to all fines, costs, fees, and  
9 assessments, excluding restitution.

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

13 a. when the total amount due has not been paid by the due  
14 date, or

15 b. when no installment payments have been received in the  
16 most recent ninety (90) day period.

17 2. The court clerk shall ~~notify the court which shall, within~~  
18 ~~ten (10) days thereafter, set a cost hearing for~~ periodically review  
19 cases for delinquency at least once every six (6) months and, upon  
20 identifying a delinquent defendant, notify the court which shall,  
21 within ten (10) days thereafter, set a cost hearing for the court to  
22 determine if the defendant is able to pay. The cost hearing shall  
23 be set ~~on a date that will allow the court clerk to issue a~~ within  
24 forty-five (45) days of the issuance of the summons. The hearing

1 shall be set on a date that shall allow the court clerk to issue a  
2 summons fourteen (14) days prior to the cost hearing. Defendants  
3 shall incur no additional fees associated with the issuance of the  
4 summons.

5 ~~2.~~ 3. No less than fourteen (14) days prior to the cost  
6 hearing, the court clerk shall issue one summons to the defendant to  
7 be served by United States mail to the mailing address of the  
8 defendant on file in the case, substantially as follows:

9 SUMMONS

10 You are ORDERED to appear for a ~~cost hearing~~ COST HEARING at a  
11 specified time, place, and date to determine if you are financially  
12 able ~~but willfully refuse or neglect~~ to pay the fines, costs, fees,  
13 or assessments or an installment due in Case No. \_\_\_\_\_.

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

16 At any time before the date of the cost hearing, you may contact the  
17 court clerk and pay the ~~fines, costs, fees, or assessments~~ amount  
18 due or any installment due request in writing or in person prior to  
19 the court date, that the hearing be rescheduled for no later than  
20 thirty (30) days after the scheduled time.

21 THIS IS NOT AN ARREST WARRANT. However, if you fail to appear for  
22 the cost hearing or ~~to make the payment~~ pay the amount due, the  
23 court will issue a WARRANT for ~~"FAILURE TO APPEAR-COST HEARING"~~ and  
24 may refer the case to a court cost compliance liaison which will

1 cause an additional thirty percent (30%) administrative fee to be  
2 added to the amount owed, and may include additional costs imposed  
3 by the court.

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

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

9 a. courts shall refer a case to the court cost compliance  
10 program upon the issuance of a cost arrest warrant,

11 b. courts may refer a case to the court cost compliance  
12 program upon the issuance of a cost cite and release  
13 warrant, or

14 c. courts may refer a case to the court cost compliance  
15 program without the issuance of a warrant; provided,  
16 the defendant is delinquent and has had sufficient  
17 notice and opportunity to have a cost hearing.

18 ~~4.~~ 5. Municipal courts, in lieu of mailing the summons provided  
19 for in this subsection, may give the ~~defendant personal notice~~  
20 summons to the defendant in person at the time of sentencing or  
21 subsequent appearance of a specific date, time, and place, not less  
22 than sixty (60) days nor more than one hundred twenty (120) days  
23 from the date of sentencing to appear for a cost hearing if the  
24

1  ~~fines, costs, fees, and assessments~~  court financial obligations  
2 remain unpaid.

3 G.  1. If a defendant is found by a law enforcement officer to  
4 have an outstanding  cost cite and release warrant  ~~for FAILURE TO~~  
5  ~~APPEAR COST HEARING,~~ the law enforcement officer shall  ~~release the~~  
6  ~~defendant and issue a citation to appear pursuant to Section 209 of~~  
7  ~~this title~~  Warning/Notice ordering the defendant to report within  
8  ten (10) days of release from detention on the warrant to the court  
9  clerk of the court in which the court financial obligations are  
10  owed. The law enforcement officer shall not take the defendant into  
11  custody at this time, and no other law enforcement officer who  
12  encounters the defendant during this ten-day period may take the  
13  defendant into custody on the warrant. The law enforcement officer  
14  shall inform the appropriate department staff member within the  
15  agency of the law enforcement officer of the Warning/Notice within  
16  five (5) days. The department staff member shall then promptly  
17  notify the law enforcement agency in the jurisdiction that issued  
18  the warrant electronically. This electronic communication shall be  
19  treated as a duplicate original for all purposes in any subsequent  
20  hearings before the appropriate court.

21  2. If the defendant  ~~fails to appear at the time and place cited~~  
22  ~~by the law enforcement officer, the court may issue a summons or~~  
23  ~~warrant as provided in Section 209 of this title. The provisions of~~  
24  ~~this subsection shall not apply to a municipal court~~  reports to the

1 office of the court clerk within the ten (10) days, the court clerk  
2 shall:

- 3 a. inform the court of the Warning/Notice to the  
4 defendant and contact,
- 5 b. schedule a cost hearing pursuant to applicable local  
6 court rule, and
- 7 c. submit the warrant to the court for recall pending the  
8 cost hearing.

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

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

- 15 a. the defendant pays One Hundred Dollars (\$100.00)  
16 toward the court financial obligation, is released  
17 from custody, and the new cost hearing date is  
18 provided, or
- 19 b. the court releases the defendant on the defendant's  
20 own recognizance and a new cost hearing date is  
21 provided.

22 5. The provisions for issuing a separate summons described in  
23 subsection F of this section shall not apply to a municipal court  
24 not of record if the municipal court has previously provided actual

1 ~~personal service~~ notice to the defendant of an opportunity for a  
2 cost hearing. If such notice was given and the defendant fails to  
3 appear, the municipal court not of record may issue either a cost  
4 cite and release warrant or a cost arrest warrant.

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

13 H. ~~In determining whether the defendant is able to pay~~  
14 ~~delinquent~~ Supporting documents in a motion or affidavit for relief  
15 from court financial obligations obligation debt or any installments  
16 ~~due, the court shall consider the criteria provided in subsection C~~  
17 ~~of this section~~ documents taken into evidence during a cost hearing  
18 or willfulness hearing shall not be publicly viewable on a court-  
19 controlled website.

20 I. ~~Any~~ 1. After a cost hearing where a defendant has been  
21 ~~found guilty of an offense in any court of this state may be~~  
22 ~~imprisoned for nonpayment of his or her~~ able to pay a court  
23 ~~financial obligations when the~~ obligation, either in whole or in  
24 part, and then becomes delinquent in that payment, a court finds

1 ~~after notice and~~ may conduct a willfulness hearing that the  
2 ~~defendant is financially able but willfully refuses or neglects to~~  
3 ~~pay~~ at any time beginning immediately after a cost hearing has been  
4 held and a decision rendered on the court financial obligations  
5 ~~owed. A sentence to pay a fine, cost, fee, or assessment may be~~  
6 ~~converted into a jail sentence only after a hearing and a judicial~~  
7 ~~determination, memorialized of record, that the defendant is able to~~  
8 ~~satisfy the fine, cost, fee, or assessment by payment, but refuses~~  
9 ~~or neglects so to do~~ obligation at issue, and after sufficient  
10 notice to the defendant of the hearing. Findings of a defendant's  
11 prior ability to pay may be considered as evidence of ability to pay  
12 or willfulness at the hearing. This provision shall not be  
13 interpreted to prohibit the ability of the court to hold subsequent  
14 cost hearings on the same court financial obligations.

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

17 a. whether a cost hearing has been held previously where  
18 evidence relating to ability to pay was presented and  
19 the court found the defendant was able to pay the  
20 court financial obligations, either in whole or in  
21 part,

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



1           c. whether the defendant was afforded sufficient time and  
2           opportunity to fulfill the obligation to pay the court  
3           financial obligations,

4           d. whether the defendant made any efforts to satisfy the  
5           court financial obligations, and

6           e. whether there are any other relevant facts or  
7           circumstances.

8           3. After a finding of willful failure to pay court financial  
9           obligations, the court may impose a jail sentence pursuant to  
10           Section 101 of Title 28 of the Oklahoma Statutes only under the  
11           following circumstances:

12           a. the hearing is conducted on the record pursuant to the  
13           rules promulgated by the Court of Criminal Appeals,  
14           and

15           b. the defendant is represented by counsel or expressly  
16           waives his or her right to counsel.

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

21           J. In addition, the district court or municipal court, within  
22 one hundred twenty (120) days from the date upon which the person  
23 was originally ordered to make payment, and if the court finds and  
24 memorializes into the record that the defendant is financially able

1 but willfully refuses to ~~or neglects to~~ pay the ~~finer, costs, fees,~~  
2 ~~or assessments~~ court financial obligations, or an installment due,  
3 may send notice of nonpayment of any court-ordered fine and costs  
4 for a moving traffic violation to ~~the Department of Public Safety~~  
5 Service Oklahoma with a recommendation of suspension of driving  
6 privileges of the defendant until the total amount of any fine and  
7 costs has been paid. Upon receipt of payment of the total amount of  
8 the ~~fine and costs~~ court financial obligations for the moving  
9 traffic violation, the court shall send notice thereof to ~~the~~  
10 ~~Department~~ Service Oklahoma, if a nonpayment notice was sent as  
11 provided for in this subsection. Notices sent to ~~the Department~~  
12 Service Oklahoma shall be on forms or by a method approved by ~~the~~  
13 ~~Department~~ Service Oklahoma.

14 K. All counties of the state shall fully utilize and  
15 participate in the court cost compliance program. Cases shall be  
16 referred to the court cost compliance program ~~not less than thirty~~  
17 ~~(30) days nor~~ no more than sixty (60) days after the ~~defendant fails~~  
18 ~~to appear for a cost hearing~~ court has ordered the referral pursuant  
19 to paragraph 4 of subsection F of this section, unless the defendant  
20 pays the amount owed on the court financial obligation, or an  
21 installment due. When the court refers the case, the updated  
22 contact information on file shall be forwarded to a court cost  
23 compliance liaison for collection purposes.

24

1 L. The Court of Criminal Appeals shall implement procedures,  
2 ~~forms,~~ and rules consistent with the provisions of this section ~~for~~  
3 ~~methods of establishing payment plans of fines, costs, fees, and~~  
4 ~~assessments by indigents, which.~~ Such procedures, ~~forms,~~ and rules  
5 ~~shall be distributed to all district courts and municipal courts,~~  
6 and any supplemental forms may be made available by the  
7 Administrative Office of the Courts.

8 SECTION 11. AMENDATORY 28 O.S. 2021, Section 101, is  
9 amended to read as follows:

10 Section 101. The fees herein provided for the clerk of the  
11 district court and the sheriff, as provided in this act, and all  
12 costs in the prosecution of all criminal actions shall, in case of  
13 conviction of the defendant, be adjudged a part of the penalty of  
14 the offense of which the defendant may be convicted, whether the  
15 punishment for such offense be either imprisonment, or fine, or  
16 both, and fixed either by the verdict of the jury, or judgment of  
17 the court, trying the case, and if the defendant shall refuse to pay  
18 the ~~fine, fees or costs~~ court financial obligations, the payment of  
19 such fees and costs, in addition to the payment of the fine  
20 assessed, shall be enforced by imprisonment until the same shall be  
21 satisfied at a rate of ~~Twenty-five Dollars (\$25.00)~~ up to One  
22 Hundred Dollars (\$100.00) per day of such fees and costs, or fine,  
23 or both, or shall be satisfied at a rate of ~~Fifty Dollars (\$50.00)~~  
24 up to Two Hundred Dollars (\$200.00) per day of such fees and costs,

1 or fine, or both, should the defendant perform useful labor. If the  
2 defendant is without means to pay the fine, fees or costs, the total  
3 amount owed ~~shall~~ may be entered ~~upon the~~ as a judgment ~~docket~~ and  
4 thereupon the same remedies shall be available for the enforcement  
5 of said judgment as are available to any other judgment creditor.

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

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

16 SECTION 12. This act shall become effective November 1, 2023.

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24

1 Passed the House of Representatives the 14th day of March, 2023.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate