

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2383

By: Goodwin

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 983, which relates to nonpayment of fines and costs in criminal cases; prohibiting the imprisonment of defendants for nonpayment of fines, costs, fees and assessments; deleting certain notice requirements; authorizing courts to order submission of certain documentation; allowing courts to order community service in lieu of payment; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 983, is amended to read as follows:

Section 983. A. ~~Any~~ A defendant found guilty of an offense in any court of this state ~~may~~ shall not be imprisoned for nonpayment of the fine, cost, fee, or assessment ~~when.~~ If the trial court finds after notice and hearing that the defendant is financially ~~able but refuses or neglects~~ unable to pay the fine, cost, fee, or assessment. ~~A sentence to pay a fine, cost, fee, or assessment may be converted into a jail sentence only after a hearing and a judicial determination, memorialized of record, that the defendant~~

1 ~~is able to satisfy the fine, cost, fee, or assessment by payment,~~
2 ~~but refuses or neglects so to do.~~

3 ~~B. After a judicial determination that the defendant is able to~~
4 ~~pay the fine, cost, fee, or assessment in installments, the court~~
5 ~~may order the fine, cost, fee, or assessment to be paid in~~
6 ~~installments and shall set the amount and date for each installment.~~

7 ~~C. 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, may send notice of~~
10 ~~nonpayment of any court ordered fine and costs for a moving traffic~~
11 ~~violation to the Department of Public Safety with a recommendation~~
12 ~~of suspension of driving privileges of the defendant until the total~~
13 ~~amount of any fine and costs has been paid. Upon receipt of payment~~
14 ~~of the total amount of the fine and costs for the moving traffic~~
15 ~~violation, the court shall send notice thereof to the Department, if~~
16 ~~a nonpayment notice was sent as provided for in this subsection.~~
17 ~~Notices sent to the Department shall be on forms or by a method~~
18 ~~approved by the Department order the person to submit to the court~~
19 ~~supporting documentation that provides proof of job application~~
20 ~~submissions. The court is also authorized to order the person to~~
21 ~~perform community service in lieu of the payment of the fine, cost,~~
22 ~~fee or assessment.~~

23 ~~D. B.~~ The Court of Criminal Appeals shall implement procedures
24 and rules for methods of payment of fines, costs, fees, and

1 assessments by indigents, which procedures and rules shall be
2 distributed to all district courts and municipal courts by the
3 Administrative Office of the Courts.

4 SECTION 2. This act shall become effective November 1, 2016.

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