

1 **SENATE FLOOR VERSION**

2 April 6, 2016

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 3160

6 By: Hickman, Sherrer and Hoskin
7 of the House

8 and

9 Griffin and Brooks of the
10 Senate

11 [court costs and fees - providing for the reduction
12 of court costs and fees in criminal cases -
13 directing the Department of Corrections to implement
14 policies and procedures - effective date]

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 983a of Title 22, unless there
18 is created a duplication in numbering, reads as follows:

19 A. On or after November 1, 2016, any person who is currently
20 serving a term of imprisonment in the custody of the Department of
21 Corrections or is convicted of a crime and sentenced to serve a term
22 of imprisonment in the custody of the Department of Corrections
23 shall have the cumulative sum of all court costs and fees assessed
24 and owed in his or her criminal case or cases reduced by seventy-
five hundredths percent (0.75%) for every thirty (30) days of time
served on the prison sentence. As used in this act, court costs and

1 fees shall include court costs and fees provided for in Section 153
2 of Title 28 of the Oklahoma Statutes.

3 B. The provisions of this section shall not apply to amounts
4 owed by the person for restitution to a victim pursuant to a court
5 order or child support obligations pursuant to a court order.

6 C. Immediately prior to release from a term of imprisonment
7 with the Department of Corrections, the Department shall include in
8 the portfolio of the inmate the following documentation:

9 1. The date of commencement on which the inmate began serving
10 his or her sentence;

11 2. The date of discharge from the custody of the Department of
12 Corrections;

13 3. Specific instructions directing the inmate to present the
14 documentation provided in paragraphs 1 and 2 of this subsection to
15 the court clerk of any county in which court costs and fees are
16 owed.

17 Upon receipt of the documentation listed above, the court clerk
18 shall calculate and apply the reduction in court costs and fees as
19 provided for in subsection A of this section.

20 D. The Department of Corrections shall implement policies and
21 procedures to implement the provisions of this section.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 983b of Title 22, unless there
24 is created a duplication in numbering, reads as follows:

1 A. On or after November 1, 2016, the court shall have the
2 authority to waive all outstanding fines, court costs and fees in a
3 criminal case for any person who:

4 1. Served a period of imprisonment in the custody of the
5 Department of Corrections after conviction for a crime;

6 2. Has been released from the custody of the Department of
7 Corrections;

8 3. Has complied with all probation or supervision requirements
9 since being released from the custody of the Department of
10 Corrections; and

11 4. Has made installment payments on outstanding fines, court
12 costs, fees and restitution ordered by the court on a timely basis
13 every month for the previous twenty-four (24) months following
14 release from the custody of the Department of Corrections.

15 B. The provisions of this section shall not apply to amounts
16 owed by the person for restitution to a victim pursuant to a court
17 order or child support obligations pursuant to a court order.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 983c of Title 22, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Any person released on parole or released without parole
22 from a term of imprisonment with the Department of Corrections shall
23 be required to report at a time not less than one hundred eighty
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1 (180) days after his or her release from the Department of
2 Corrections to:

3 1. The district court of the county from which the judgment and
4 sentence resulting in incarceration arose; and

5 2. All other district courts or municipal courts where the
6 person owes fines, fees, costs and assessments,
7 for the purpose of scheduling a hearing to determine the ability of
8 the person to pay fines, fees, costs or assessments owed by the
9 person in every felony or misdemeanor criminal case filed in a
10 district court or criminal case filed in a municipal court of this
11 state. Such hearing shall be held in accordance with the provisions
12 of Section VIII of the Rules of the Court of Criminal Appeals, 22
13 O.S. 2011, Ch. 18, App. A court may for good cause shown or in its
14 discretion continue such hearing for up to one hundred eighty (180)
15 days.

16 B. In determining the ability of the person to satisfy fines,
17 fees, costs or assessments owed to a district or municipal court,
18 the court shall inquire of the person at the time of the hearing
19 which counties and municipalities the person owes fines, fees, costs
20 or assessments in every felony or misdemeanor criminal case filed
21 against the person and shall consider all court-ordered debt,
22 including restitution and child support, in determining the ability
23 of the person to pay. The person shall not be required to pay any
24 outstanding fines, fees, costs or assessments prior to the

1 expiration of the one-hundred-eighty-day period; provided, however,
2 the person shall not be precluded from voluntarily making payment
3 toward the satisfaction of any fines, fees, costs or assessments due
4 and owing to a district or municipal court of this state.

5 C. The Court of Criminal Appeals shall promulgate rules
6 governing the provisions of this section including, but not limited
7 to:

8 1. Reporting, hearing and payment requirements as provided for
9 in subsections A and B of this section;

10 2. Consolidating district and municipal court fines, fees,
11 costs or assessments owed by a person into one order for payment;
12 and

13 3. Accepting and distributing payments received for fines,
14 fees, costs or assessments to various district and municipal courts
15 when consolidated by the court into one order for payment.

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

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
18 April 6, 2016 - DO PASS AS AMENDED

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