

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3498

By: West (Tammy)

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6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2021, Section 983b, as amended by Section 2,
9 Chapter 29, O.S.L. 2022 (22 O.S. Supp. 2023, Section
10 983b), which relates to hearings for fines, fees,
11 costs, and assessments; directing courts to reduce
12 monthly installment amounts under certain
13 circumstances; allowing for voluntary payments
14 towards amounts owed; providing restriction for
15 lowering monthly payments; and providing an effective
16 date.

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

18 SECTION 1. AMENDATORY 22 O.S. 2021, Section 983b, as
19 amended by Section 2, Chapter 29, O.S.L. 2022 (22 O.S. Supp. 2023,
20 Section 983b), is amended to read as follows:

21 Section 983b. A. Any person released on parole or released
22 without parole from a term of imprisonment with the Department of
23 Corrections shall be required to report at a time not less than one
24 hundred eighty (180) days after his or her release from the
Department of Corrections to:

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

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

14 B. In determining the ability of the person to satisfy fines,
15 fees, costs or assessments owed to a district or municipal court,
16 the court shall inquire of the person at the time of the hearing
17 which counties and municipalities the person owes fines, fees, costs
18 or assessments in every felony or misdemeanor criminal case filed
19 against the person and shall consider all court-ordered debt,
20 including restitution and child support, in determining the ability
21 of the person to pay. In calculating and determining the ability of
22 a person to pay his or her fines, fees, costs, or assessments under
23 the provisions of this subsection, any monies received from a
24 federal or state government need-based assistance program shall not
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1 be counted as personal income to pay for the legal and financial
2 obligations owed to the court. The court may reduce a person's
3 fines, fees, costs, or assessments if it is determined by the court
4 that the person does not have the ability to pay the fines, fees,
5 costs, or assessments. However, if the court determines that a
6 reduction in the fines, fees, costs, or assessments is warranted,
7 the court shall equally apply the same percentage reduction to the
8 fines, fees, costs, or assessments owed by the person. The person
9 shall not be required to pay any outstanding fines, fees, costs or
10 assessments prior to the expiration of the one-hundred-eighty-day
11 period; provided, however, the person shall not be precluded from
12 voluntarily making payment toward the satisfaction of any fines,
13 fees, costs or assessments due and owing to a district or municipal
14 court of this state.

15 C. The Court of Criminal Appeals shall promulgate rules
16 governing the provisions of this section including, but not limited
17 to:

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

20 2. Consolidating district and municipal court fines, fees,
21 costs or assessments owed by a person into one order for payment;
22 and

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

4 D. When determining the ability of a person to pay fines, fees,
5 costs, or assessments under the provisions of this section, if the
6 person is on an installment plan for fines, fees, costs, or
7 assessments owed for felony or misdemeanor criminal cases or traffic
8 cases in another county, the court shall reduce monthly installments
9 by the monthly installment amount the person is required to pay in
10 the other county for the length of the payment plan in the other
11 court. If otherwise unavailable to the court, the person shall
12 provide documentation of his or her installment plan in another
13 county.

14 1. The provisions of this subsection shall not preclude a
15 person from voluntarily making payment towards the satisfaction of
16 any fines, fees, costs, or assessments in higher installment
17 amounts.

18 2. The provisions of this subsection shall not be used to
19 require a court to lower monthly payments to below one and one-half
20 percent (1.5%) of the monthly income of a person or Twenty Dollars
21 (\$20.00), whichever is greater.

22 SECTION 2. This act shall become effective November 1, 2024.

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24 59-2-9822 GRS 01/12/24
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