

1 ENGROSSED SENATE AMENDMENTS
TO

2 ENGROSSED HOUSE
3 BILL NO. 3925

By: Kannady of the House

and

Howard of the Senate

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5
6
7 [court costs - establishing a court cost compliance
8 program - directing courts to inform defendants of
9 amounts due for fines, costs, fees, and assessments
10 - directing all counties to utilize and participate
11 in the court cost compliance program - effective
12 date]

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15 AUTHOR: Remove as principal House author Kannady and substitute as
16 principal House author Sterling

17 AUTHOR: Add the following Senate Coauthor: Floyd

18 AMENDMENT NO. 1. Page 1, strike the enacting clause

19 AMENDMENT NO. 2. Page 13, line 6, delete after the word "state" and
20 before the word "fully" the word "shall" and
insert the word "may"

21 and when the title is restored, amend the title to
22 conform

1 Passed the Senate the 28th day of April, 2022.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

7
8 _____
9 Presiding Officer of the House
10 of Representatives

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6 [court costs - establishing a court cost compliance
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13

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

15 SECTION 1. AMENDATORY 19 O.S. 2021, Section 514.4, is
16 amended to read as follows:

17 Section 514.4 A. ~~Notwithstanding any other section of law, the~~
18 county 1. Effective November 1, 2022, there is hereby established a
19 court cost compliance program. The purpose of the program shall be
20 to assist county sheriffs and the courts of this state with the
21 collection of fines, costs, fees, and assessments associated with
22 cases in which a warrant has been issued and the case has been
23 referred to the court cost compliance program pursuant to Section
24 983 of Title 22 of the Oklahoma Statutes.

1 2. County sheriffs of any Oklahoma county may contract with a
2 statewide association of county sheriffs to administer contracts
3 with third parties who shall be known as court cost compliance
4 liaisons. The court cost compliance liaison may assist with
5 attempting to locate and notify persons of their outstanding
6 ~~misdemeanor or failure to pay~~ warrants. County sheriffs contracting
7 with a statewide association of county sheriffs for the
8 administration of third-party contracts may assign their rights and
9 duties regarding these third-party contracts to the association.

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

1 by the court, where the court has referred the case to a court cost
2 compliance liaison, shall be reported to the court cost compliance
3 liaison within four (4) days of receipt of the payment. Any payment
4 returned due to insufficient funds shall have all insufficient fund
5 charges incurred added to the outstanding balance of the defendant.

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

13 D. The court shall release or recall the outstanding
14 ~~misdemeanor or failure to pay~~ warrant only upon receipt of all sums
15 due pursuant to said warrant ~~including the misdemeanor or failure~~
16 ~~to pay warrant~~, scheduled fine or sum due, all associated fees,
17 costs and statutory penalty assessments, and the administrative cost
18 pursuant to Section 514.5 of this title, or with a down payment of
19 One Hundred Dollars (\$100.00) and a mutually agreeable monthly
20 payment plan.

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

24

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

3 1. Any misdemeanor ~~or failure to pay warrant~~ and all warrants
4 issued pursuant to Section 983 of Title 22 of the Oklahoma Statutes
5 or relating to any proceeding pursuant to the State and Municipal
6 Traffic Bail Bond Procedure Act; and

7 2. Any misdemeanor ~~or failure to pay~~ warrant issued that allows
8 a defendant to resolve the matter by payment in lieu of a personal
9 appearance in court; ~~and~~

10 ~~3. Any failure to pay warrant issued in a criminal case.~~

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

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

22 B. The administrative cost reflected in subsection A of this
23 section, ~~when collected,~~ shall be distributed to the ~~third-party~~
24 ~~contractor~~ court cost compliance liaison, a portion of which may be

1 used to compensate the statewide association ~~administering~~ of
2 county sheriffs for administering the contract.

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

6 SECTION 3. AMENDATORY 22 O.S. 2021, Section 209, is
7 amended to read as follows:

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

14 B. In issuing a citation hereunder the officer shall proceed as
15 follows:

16 1. The officer shall prepare a written citation to appear in
17 court, containing the name and address of the cited person and the
18 offense charged, and stating when the person shall appear in court.
19 ~~Unless the person requests an earlier date, the~~ The time specified
20 in the citation to appear shall be at least five (5) days after the
21 issuance of the citation;

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

1 3. The officer shall thereupon release the cited person from
2 any custody-; and

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

6 C. In any case in which the judicial officer finds sufficient
7 grounds for issuing a warrant, ~~he or she~~ the judicial officer may
8 issue a summons commanding the defendant to appear in lieu of a
9 warrant.

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

17 SECTION 4. AMENDATORY 22 O.S. 2021, Section 983, is
18 amended to read as follows:

19 Section 983. A. At the time of sentencing, the court shall
20 inform the defendant of the total amount of all statutory fines,
21 costs, fees, and assessments, if any, to be paid. For purposes of
22 this section, fines, costs, fees, and assessments shall include all
23 financial obligations imposed by the court or required by law to be
24

1 paid as provided in the current Uniform Oklahoma Fee Schedule for
2 criminal cases issued by the Administrative Office of the Courts.

3 B. The court shall consider the ability of the defendant to pay
4 when imposing fines, costs, fees, and assessments. In determining
5 the ability of the defendant to pay, the court shall rely on
6 verified information submitted by the defendant on a form provided
7 by the Court of Criminal Appeals. In addition, the court may make
8 inquiry of the defendant to determine the credibility of the
9 verified information of the defendant, and the court may consider
10 any other evidence or testimony concerning the ability of the
11 defendant to pay.

12 C. The information required on the form provided by the Court
13 of Criminal Appeals shall include, but not be limited to:

14 1. The current total monthly income of the defendant including
15 wages and excluding any child support or Supplemental Security
16 Income (SSI) Disability payments;

17 2. The number of family members of the defendant and whether
18 the family members are dependent on the defendant for support;

19 3. The monthly housing costs of the defendant and dependent
20 family members;

21 4. The value and availability of any existing assets owned by
22 the defendant, excluding assets exempt from bankruptcy;

23 5. Whether and to what extent the defendant has outstanding
24 debts and liabilities, including child support obligations;

1 6. The health of the defendant including mental and behavioral
2 health issues that diminish the ability of the defendant to pay; and

3 7. Whether the defendant is receiving public assistance of any
4 kind.

5 D. After a judicial determination that the defendant is unable
6 to immediately pay the fine, cost, fee, or assessment but is able to
7 pay in installments, the court may order the fine, cost, fee, or
8 assessment to be paid in installments and shall set the amount and
9 date for each installment payment. A payment plan may include an
10 incentive for the defendant to pay the total amount owed prior to
11 the date of the final payment.

12 E. At the time of sentencing, the court shall advise the
13 defendant that:

14 1. It is the obligation of the defendant to keep the court
15 clerk informed of the contact information of the defendant until the
16 fine, cost, fee, or assessment has been paid. Such information
17 shall include the current mailing and physical addresses of the
18 defendant, telephone or cellular phone number of the defendant, and
19 the email address where the defendant may receive notice from the
20 court;

21 2. If the defendant is unable to pay the fine, cost, fee, or
22 assessment ordered by the court, or any installment, the defendant
23 shall request a hearing to present evidence regarding ability to pay
24 the amount due and to request the imposition or modification of a

1 payment plan, a reduction in the amount owed, or waiver of payment
2 of the amount owed. The defendant may request multiple hearings;
3 and

4 3. If the defendant voluntarily appears at the courthouse to
5 make a payment or to present evidence regarding ability to pay, the
6 defendant will not be arrested for failure to pay or arrested on a
7 failure-to-appear warrant in the case.

8 F. Any defendant found guilty of an offense in any court of
9 this state ~~may~~ shall not be ~~imprisoned~~ arrested or incarcerated for

10 nonpayment of the fine, cost, fee, or assessment ~~when~~ unless the
11 ~~trial~~ court finds after notice and hearing that the defendant is
12 financially able but willfully refuses or neglects to pay the fine,
13 cost, fee, or assessment. ~~A sentence to pay a fine, cost, fee, or~~
14 ~~assessment may be converted into a jail sentence only after a~~
15 ~~hearing and a judicial determination, memorialized of record, that~~
16 ~~the defendant is able to satisfy the fine, cost, fee, or assessment~~
17 ~~by payment, but refuses or neglects so to do.~~

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

22 C. ~~In addition, the district court or municipal court, within~~
23 ~~one hundred twenty (120) days from the date upon which the person~~
24 ~~was originally ordered to make payment, may send notice of~~

1 ~~nonpayment of any court ordered fine and costs for a moving traffic~~
2 ~~violation to the Department of Public Safety with a recommendation~~
3 ~~of suspension of driving privileges of the defendant until the total~~
4 ~~amount of any fine and costs has been paid. Upon receipt of payment~~
5 ~~of the total amount of the fine and costs for the moving traffic~~
6 ~~violation, the court shall send notice thereof to the Department, if~~
7 ~~a nonpayment notice was sent as provided for in this subsection.~~
8 ~~Notices sent to the Department shall be on forms or by a method~~
9 ~~approved by the Department.~~

10 D. G. 1. If a defendant is delinquent in the payment of a
11 fine, fee, cost, or assessment, or an installment due, for sixty
12 (60) days, the court shall, within ten (10) days thereafter, set a
13 hearing to determine if the defendant is able to pay. No less than
14 fourteen (14) days prior to the hearing, the court clerk shall issue
15 one summons to the defendant to be served by United States mail to
16 the mailing address of the defendant on file in the case stating
17 that:

- 18 a. the court shall conduct a hearing at a specified time,
19 place, and date to determine if the defendant is
20 financially able but willfully refuses or neglects to
21 pay the fine, cost, fee, or assessment or an
22 installment due,
- 23 b. the defendant must be present at the hearing to
24 present evidence or testimony of his or her inability

1 to pay the fine, cost, fee, or assessment or an
2 installment due,

3 c. at any time before the date of the hearing, the
4 defendant may contact the court clerk to pay the fine,
5 cost, fee, or assessment or any installment due. If
6 the defendant fails to appear for the hearing or to
7 make the payment, the court shall refer the case to a
8 court cost compliance liaison, as provided in Section
9 514.4 of Title 19 of the Oklahoma Statutes, which
10 shall cause an additional thirty percent (30%)
11 administrative fee to be added to the amount owed, and

12 d. if the defendant fails to appear at the hearing
13 without good cause made known to the court or court
14 clerk, the court shall issue a warrant for failure to
15 appear for a cost hearing.

16 2. Notice of hearing, either at the request of the defendant or
17 by summons of the court clerk, shall be given to the district
18 attorney.

19 3. If the defendant fails to appear at the hearing without good
20 cause made known to the court or court clerk, the court shall issue
21 a warrant for failure to appear for a cost hearing.

22 H. If a defendant is found by a law enforcement officer to have
23 an outstanding warrant for failure to appear for a cost hearing, the
24 officer shall release the defendant and issue a citation to appear

1 pursuant to Section 209 of this title. If the defendant fails to
2 appear at the time and place cited by the officer, the court may
3 issue a summons or warrant as provided in Section 209 of this title.

4 I. In determining whether the defendant is able to pay the
5 fine, cost, fee, or assessment or any installments, the court shall
6 consider:

7 1. Undue hardship to the defendant or to the legal dependents
8 of the defendant;

9 2. Whether the defendant has made a good-faith effort to comply
10 with the order; and

11 3. The ability to pay according to the criteria provided for in
12 subsection C of this section.

13 J. Upon satisfactory showing to the court that the defendant is
14 unable to pay the fine, cost, fee, assessment, or an installment
15 due, the court may modify its order by the imposition or
16 modification of a payment plan, a reduction in the amount owed, or a
17 waiver of payment of the amount owed. Additionally, the court may
18 order community service in lieu of payment. The defendant shall
19 receive credit for no less than two times the amount of the minimum
20 wage specified pursuant to state law for each hour of community
21 service performed. Upon a finding of the court that the defendant
22 is unable to pay the fine, cost, fee, assessment, or an installment
23 due, no additional fine, cost, fee, assessment, or an installment
24 attributable to the notice or hearing shall be ordered by the court.

1 K. If the court finds and memorializes into the record that the
2 defendant is financially able but willfully refuses or neglects to
3 pay the fine, cost, fee, assessment, or an installment due, the
4 court may order any of the remedies provided in subsection J of this
5 section or in Section 101 of Title 28 of the Oklahoma Statutes.

6 L. All counties of the state shall fully utilize and
7 participate in the court cost compliance program. Cases shall be
8 referred to the court cost compliance program not less than forty-
9 five (45) nor more than sixty (60) days after the defendant fails to
10 appear for a cost hearing unless the defendant pays the amount owed
11 for any fine, cost, fee, assessment, or an installment due. When
12 the court refers the case, the updated contact information on file
13 shall be forwarded to a court cost compliance liaison for collection
14 purposes.

15 M. The Court of Criminal Appeals shall implement procedures,
16 forms, and rules consistent with the provisions of this section for
17 methods of establishing payment plans of fines, costs, fees, and
18 assessments by indigents, which procedures, forms, and rules shall
19 be distributed to all district courts and municipal courts by the
20 Administrative Office of the Courts.

21 SECTION 5. This act shall become effective November 1, 2022.

1 Passed the House of Representatives the 23rd day of March, 2022.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

6
7
8 _____
9 Presiding Officer of the Senate