

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1532

By: Daniels

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5
6 AS INTRODUCED

7 An Act relating to criminal fines, costs and fees;
8 amending 22 O.S. 2021, Sections 983a and 983b, which
9 relate to waiver and ability to pay fines, costs and
10 fees; requiring waiver of outstanding court fines,
11 costs, and fees under certain circumstances; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2021, Section 983a, is
15 amended to read as follows:

16 Section 983a. A. On or after November 1, 2016, the court shall
17 have the authority to waive all outstanding fines, court costs, and
18 fees in a criminal case for any person who:

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

21 2. Has been released from the custody of the Department of
22 Corrections;

23 3. Has complied with all probation or supervision requirements
24 since being released from the custody of the Department of
25 Corrections; and

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

5 B. On or after November 1, 2022, regardless of whether the
6 person has been denied a waiver or has not sought a waiver pursuant
7 to subsection A of this section, the court shall waive all
8 outstanding fines, court costs, and fees in a criminal case for any
9 person who:

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

12 2. Has been released from the custody of the Department of
13 Corrections;

14 3. Has complied with all probation or supervision requirements
15 since being released from the custody of the Department of
16 Corrections; and

17 4. Has made installment payments on outstanding fines, court
18 costs, fees and restitution ordered by the court on a timely basis
19 every month for the previous twenty-four (24) months following
20 release from the custody of the Department of Corrections including
21 any payments made prior to the effective date of this act.

22 C. On or after November 1, 2022, the court shall waive all
23 outstanding fines, court costs, and fees in a criminal case for any
24 person who has made installment payments on outstanding fines, court

1 costs, fees, and restitution ordered by the court on a timely basis
2 every month for the previous forty-eight (48) months including any
3 payments made prior to the effective date of this act.

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

7 SECTION 2. AMENDATORY 22 O.S. 2021, Section 983b, is
8 amended to read as follows:

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

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

16 2. All other district courts or municipal courts where the
17 person owes fines, fees, costs, and assessments,
18 for the purpose of scheduling a hearing to determine the ability of
19 the person to pay fines, fees, costs, or assessments owed by the
20 person in every felony or misdemeanor criminal case filed in a
21 district court or criminal case filed in a municipal court of this
22 state. Such hearing shall be held in accordance with the provisions
23 of Section VIII of the Rules of the Court of Criminal Appeals, 22
24 O.S. 2011, Ch. 18, App. A court may for good cause shown or in its

1 discretion continue such hearing for up to one hundred eighty (180)
2 days.

3 B. In determining the ability of the person to satisfy fines,
4 fees, costs, or assessments owed to a district or municipal court,
5 the court shall inquire of the person at the time of the hearing
6 which counties and municipalities the person owes fines, fees,
7 costs, or assessments in every felony or misdemeanor criminal case
8 filed against the person and shall consider all court-ordered debt,
9 including restitution and child support, in determining the ability
10 of the person to pay. The person shall not be required to pay any
11 outstanding fines, fees, costs, or assessments prior to the
12 expiration of the one-hundred-eighty-day period; provided, however,
13 the person shall not be precluded from voluntarily making payment
14 toward the satisfaction of any fines, fees, costs, or assessments
15 due and owing to a district or municipal court of this state.

16 C. On or after November 1, 2022, the court shall waive all
17 outstanding district or municipal court fines, court costs, and fees
18 in a criminal case for any person who has made installment payments
19 pursuant to the requirements of Section 983a of this title.

20 D. The Court of Criminal Appeals shall promulgate rules
21 governing the provisions of this section including, but not limited
22 to:

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

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

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

7 SECTION 3. This act shall become effective November 1, 2022.

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