

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1610

By: Jolley and Treat of the  
Senate

4 and

5  
6 Sears and Casey of the  
House

7  
8  
9 AS INTRODUCED

10 An Act relating to fees; amending 28 O.S. 2011,  
11 Sections 153, as amended by Section 4 of Enrolled  
House Bill No. 3146 of the 2nd Session of the 55th  
12 Oklahoma Legislature, and 162, which relate to costs  
in criminal cases and juvenile proceedings; modifying  
13 fees assessed in certain criminal and juvenile cases;  
providing an effective date; and declaring an  
14 emergency.

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

17 SECTION 1. AMENDATORY 28 O.S. 2011, Section 153, as  
18 amended by Section 4 of Enrolled House Bill No. 3146 of the 2nd  
19 Session of the 55th Oklahoma Legislature, is amended to read as  
20 follows:

21 Section 153. A. The clerks of the courts shall collect as  
22 costs in every criminal case for each offense of which the defendant  
23 is convicted, irrespective of whether or not the sentence is  
24 deferred, the following flat charges and no more, except for

1 standing and parking violations and for charges otherwise provided  
2 for by law, which fee shall cover docketing of the case, filing of  
3 all papers, issuance of process, warrants, orders, and other  
4 services to the date of judgment:

5 1. For each defendant convicted of  
6 exceeding the speed limit by at least  
7 one (1) mile per hour but not more than  
8 ten (10) miles per hour, whether charged  
9 individually or conjointly with others .....\$77.00

10 2. For each defendant convicted of a  
11 misdemeanor traffic violation other than  
12 an offense provided for in paragraph 1  
13 or 5 of this subsection, whether charged  
14 individually or conjointly with others .....\$98.00

15 3. For each defendant convicted of a  
16 misdemeanor, other than for driving  
17 under the influence of alcohol or other  
18 intoxicating substance or an offense  
19 provided for in paragraph 1 or 2 of this  
20 subsection, whether charged individually  
21 or conjointly with others .....\$93.00

22 4. For each defendant convicted of a  
23 felony, other than for driving under the  
24 influence of alcohol or other

- 1 intoxicating substance, whether charged  
2 individually or conjointly with others .....\$103.00
- 3 5. For each defendant convicted of the  
4 misdemeanor of driving under the influence  
5 of alcohol or other intoxicating substance,  
6 whether charged individually or conjointly  
7 with others ..... \$433.00
- 8 6. For each defendant convicted of the  
9 felony of driving under the influence of  
10 alcohol or other intoxicating substance,  
11 whether charged individually or  
12 conjointly with others .....\$433.00
- 13 7. For the services of a court reporter at  
14 each preliminary hearing and trial held  
15 in the case .....\$20.00
- 16 8. For each time a jury is requested.....\$30.00
- 17 9. A sheriff's fee for serving or  
18 endeavoring to serve each writ, warrant,  
19 order, process, command, or notice or  
20 pursuing any fugitive from justice
- 21 a. within the county..... \$50.00, or  
22 mileage as  
23 established by the  
24 Oklahoma Statutes,

whichever is greater, or

b. outside of the county..... \$50.00, or actual, necessary expenses, whichever is greater

10. For the services of a language interpreter, other than an interpreter appointed pursuant to the provisions of the Oklahoma Interpreter for the Deaf Act, at each hearing held in the case, the actual cost of the interpreter.

B. In addition to the amount collected pursuant to paragraphs 2 through 6 of subsection A of this section, the sum of Six Dollars (\$6.00) shall be assessed and credited to the Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In addition to the amount collected pursuant to subsection A of this section, the sum of ~~Ten Dollars (\$10.00)~~ Twenty Dollars (\$20.00) shall be assessed and collected in every traffic case for each offense other than for driving under the influence of alcohol or other intoxicating substance; the sum of ~~Fifteen Dollars (\$15.00)~~ Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense; the sum of ~~Fifteen Dollars (\$15.00)~~ Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense for driving under the

1 influence of alcohol or other intoxicating substance; the sum of  
2 ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00) shall be  
3 assessed and collected in every felony case for each offense; and  
4 the sum of ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00) shall  
5 be assessed and collected in every felony case for each offense for  
6 driving under the influence of alcohol or other intoxicating  
7 substance.

8 D. In addition to the amounts collected pursuant to subsections  
9 A and B of this section, the sum of Twenty-five Dollars (\$25.00)  
10 shall be assessed and credited to the Oklahoma Court Information  
11 System Revolving Fund created pursuant to Section 1315 of Title 20  
12 of the Oklahoma Statutes.

13 E. In addition to the amount collected pursuant to paragraphs 1  
14 through 6 of subsection A of this section, the sum of Ten Dollars  
15 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee  
16 Account in the county in which the conviction occurred for the  
17 purpose of enhancing existing or providing additional courthouse  
18 security.

19 F. In addition to the amounts collected pursuant to paragraphs  
20 1 through 6 of subsection A of this section, the sum of Three  
21 Dollars (\$3.00) shall be assessed and credited to the Office of the  
22 Attorney General Victim Services Unit.

23 G. In addition to the amounts collected pursuant to paragraphs  
24 1 through 6 of subsection A of this section, the sum of Three

1 Dollars (\$3.00) shall be assessed and credited to the Child Abuse  
2 Multidisciplinary Account. This fee shall not be used for purposes  
3 of hiring or employing any law enforcement officers.

4 H. In addition to the amount collected pursuant to paragraphs 5  
5 and 6 of subsection A of this section, the sum of Fifteen Dollars  
6 (\$15.00) shall be assessed in every misdemeanor or felony case for  
7 each offense of driving under the influence of alcohol or other  
8 intoxicating substance and credited to the Oklahoma Impaired Driver  
9 Database Revolving Fund created pursuant to Section 8 of ~~this act~~  
10 Enrolled House Bill No. 3146 of the 2nd Session of the 55th Oklahoma  
11 Legislature.

12 I. Prior to conviction, parties in criminal cases shall not be  
13 required to pay, advance, or post security for the services of a  
14 language interpreter or for the issuance or service of process to  
15 obtain compulsory attendance of witnesses.

16 J. The amounts to be assessed as court costs upon filing of a  
17 case shall be those amounts above-stated in paragraph 3 or 4 of  
18 subsection A and subsections B, C, D and E of this section.

19 K. The fees collected pursuant to this section shall be  
20 deposited into the court fund, except the following:

21 1. A court clerk issuing a misdemeanor warrant is entitled to  
22 ten percent (10%) of the sheriff's service fee, provided for in  
23 paragraph 9 of subsection A of this section, collected on a warrant  
24 referred to the contractor for the misdemeanor warrant notification

1 program governed by Sections 514.4 and 514.5 of Title 19 of the  
2 Oklahoma Statutes. This ten-percent sum shall be deposited into the  
3 issuing Court Clerk's Revolving Fund, created pursuant to Section  
4 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing  
5 the warrant with the balance of the sheriff's service fee to be  
6 deposited into the Sheriff's Service Fee Account, created pursuant  
7 to the provisions of Section 514.1 of Title 19 of the Oklahoma  
8 Statutes, of the sheriff in the county in which service is made or  
9 attempted. Otherwise, the sheriff's service fee, when collected,  
10 shall be deposited in its entirety into the Sheriff's Service Fee  
11 Account of the sheriff in the county in which service is made or  
12 attempted;

13 2. The sheriff's fee provided for in Section 153.2 of this  
14 title;

15 3. The witness fees paid by the district attorney pursuant to  
16 the provisions of Section 82 of this title which, if collected by  
17 the court clerk, shall be transferred to the district attorney's  
18 office in the county where witness attendance was required. Fees  
19 transferred pursuant to this paragraph shall be deposited in the  
20 district attorney's maintenance and operating expense account;

21 4. The fees provided for in subsection C of this section shall  
22 be forwarded to the District Attorneys Council Revolving Fund to  
23 defray the costs of prosecution; and  
24

1       5. The following amounts of the fees provided for in paragraphs  
2 2, 3, 5 and 6 of subsection A of this section, when collected, shall  
3 be deposited in the Trauma Care Assistance Revolving Fund, created  
4 pursuant to the provisions of Section 1-2530.9 of Title 63 of the  
5 Oklahoma Statutes:

6           a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee  
7 provided for in paragraph 2 of subsection A of this  
8 section,

9           b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee  
10 provided for in paragraph 3 of subsection A of this  
11 section,

12           c. One Hundred Dollars (\$100.00) of the Four-Hundred-  
13 Thirty-three-Dollar fee provided for in paragraph 5 of  
14 subsection A of this section, and

15           d. One Hundred Dollars (\$100.00) of the Four-Hundred-  
16 Thirty-three-Dollar fee provided for in paragraph 6 of  
17 subsection A of this section.

18       L. Costs required to be collected pursuant to this section  
19 shall not be dismissed or waived; provided, if the court determines  
20 that a person needing the services of a language interpreter is  
21 indigent, the court may waive all or part of the costs or require  
22 the payment of costs in installments.

23       M. As used in this section, "convicted" means any final  
24 adjudication of guilt, whether pursuant to a plea of guilty or nolo



1 | contendere or otherwise, and any deferred judgment or suspended  
2 | sentence.

3 |       N. A court clerk may accept in payment for any fee, fine,  
4 | forfeiture payment, cost, penalty assessment or other charge or  
5 | collection to be assessed or collected by a court clerk pursuant to  
6 | this section a nationally recognized credit card or debit card or  
7 | other electronic payment method as provided in paragraph 1 of  
8 | subsection B of Section 151 of this title.

9 |       O. Upon receipt of payment of fines and costs for offenses  
10 | charged prior to July 1, 1992, the court clerk shall apportion and  
11 | pay Thirteen Dollars (\$13.00) per conviction to the court fund.

12 |       SECTION 2.        AMENDATORY        28 O.S. 2011, Section 162, is  
13 | amended to read as follows:

14 |       Section 162. A. The clerks of the courts shall collect as  
15 | costs in every juvenile delinquency, child in need of supervision,  
16 | or deprived case in which the juvenile is adjudicated, irrespective  
17 | of whether or not the sentence is deferred, or minor in need of  
18 | treatment case pursuant to the Inpatient Mental Health and Substance  
19 | Abuse Treatment of Minors Act, Section 5-501 et seq. of Title 43A of  
20 | the Oklahoma Statutes, irrespective of whether the child is  
21 | committed for inpatient mental health or substance abuse treatment,  
22 | or in every such case in which a petition is filed at the demand of  
23 | the parents of a juvenile and said petition is subsequently  
24 | dismissed prior to adjudication at said parents' request, the

1 following flat charge and no more, except for the charges provided  
2 for in this section, which fee shall cover docketing of the case,  
3 filing of all papers, issuance of process, warrants and orders, and  
4 other services to date of judgment:

5 For each case where one or more juveniles  
6 are adjudicated deprived.....\$50.00

7 For each juvenile who is certified to stand  
8 trial as an adult.....\$75.00

9 In each juvenile case wherein parental  
10 rights are terminated.....\$50.00

11 For each juvenile adjudicated in need of  
12 supervision.....\$50.00

13 For each child found to be a minor in need  
14 of treatment.....\$50.00

15 For each juvenile adjudicated for an  
16 offense which would be a misdemeanor if  
17 committed by an adult, including  
18 violation of any traffic law, whether  
19 charged individually or conjointly with  
20 others.....\$50.00

21 For each juvenile adjudicated for an  
22 offense which would be a felony if  
23 committed by an adult, whether charged  
24 individually or conjointly with others.....\$75.00

1 For the services of a court reporter at  
 2 each trial held in the case.....\$20.00  
 3 When a jury is requested.....\$30.00  
 4 A sheriff's fee for serving or endeavoring  
 5 to serve all writs, warrants, orders,  
 6 process, commands, or notices or pursuing  
 7 any fugitive from justice.....\$20.00 or  
 8 mileage as established  
 9 by Oklahoma Statutes,  
 10 whichever is greater.

11 B. In addition to the amount collected pursuant to subsection A  
 12 of this section, the sum of ~~Fifteen Dollars (\$15.00)~~ Thirty Dollars  
 13 (\$30.00) shall be assessed and collected for each juvenile case.  
 14 The fees collected shall be forwarded to the District Attorneys  
 15 Revolving Fund to defray the costs of prosecution.

16 C. Costs assessed pursuant to subsections A and B of this  
 17 section shall be levied against the juvenile, the parent, or both,  
 18 but shall not be levied against the legal guardian or any state or  
 19 private agency having custody of any juvenile subject to such  
 20 proceedings.

21 D. Prior to adjudication, parties in juvenile delinquency,  
 22 child in need of supervision, minor in need of treatment, and  
 23 deprived cases shall not be required to pay, advance, or post  
 24 security for the issuance or service of process to obtain compulsory

1 attendance of witnesses. These fees shall be deposited into the  
2 court fund, except the sheriff's fee, when collected, shall be  
3 transferred to the general fund of the county in which service is  
4 made or attempted to be made.

5 E. The clerk of the district court shall charge the sum of One  
6 Hundred Dollars (\$100.00) for preparing, assembling, indexing, and  
7 transmitting the record for appellate review. This fee shall be  
8 paid by the party taking the appeal and shall be entered as costs in  
9 the action. If more than one party to the action shall prosecute an  
10 appeal from the same judgment or order, the fee shall be paid by the  
11 party whose petition in error is determined by the district court or  
12 by the appellate court to commence the principal appeal. The fees  
13 collected hereunder shall be paid into the court fund.

14 F. Fees and costs collected in juvenile cases may be withdrawn  
15 from the court fund and used for operations of the juvenile bureaus,  
16 in counties wherein a statutory juvenile bureau is in operation,  
17 upon approval by the Chief Justice of the Oklahoma Supreme Court.

18 G. In those seventy-four counties in which court services are  
19 provided by contract between the Oklahoma Supreme Court and the  
20 Department of Human Services, funds received from court costs in  
21 juvenile cases may be withdrawn from the court fund and paid to the  
22 Department of Human Services upon approval by the Chief Justice of  
23 the Oklahoma Supreme Court. Said funds are to be expended by the  
24 Department of Human Services to supplement community-based programs,

1 such as youth services programs, day treatment programs and group  
2 home services. Specific annual training of Department workers in  
3 community-based services providing the above court-related services  
4 is also to be included for expenditure of funds received from court  
5 costs in juvenile cases by the Department of Human Services.

6 H. In those seventy-four counties in which court services are  
7 provided by contract between the Oklahoma Supreme Court and the  
8 Office of Juvenile Affairs, funds received from court costs or  
9 orders for care and maintenance in juvenile cases may be withdrawn  
10 from the court fund and paid to the Office of Juvenile Affairs upon  
11 approval by the Chief Justice of the Oklahoma Supreme Court. Said  
12 funds are to be expended by the Office of Juvenile Affairs to  
13 provide care and maintenance and to supplement community-based  
14 programs, such as alternative education, juvenile offender community  
15 and victim restitution work programs, community sanction programs,  
16 youth services programs, day treatment programs, group home  
17 services, and detention services. Specific annual training of  
18 agency workers in community-based services providing the above  
19 court-related services is also to be included for expenditure of  
20 funds received from court costs in juvenile cases by the Office of  
21 Juvenile Affairs.

22 SECTION 3. This act shall become effective July 1, 2016.

23 SECTION 4. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

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declared to exist, by reason whereof this act shall take effect and  
be in full force from and after its passage and approval.

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