

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1405

By: Humphrey

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6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2011, Section 991d, as amended by Section 1,
9 Chapter 414, O.S.L. 2014 (22 O.S. Supp. 2018, Section
10 991d), which relates to supervision fees; clarifying
11 purpose of supervision fee collected by district
12 attorneys; and providing an effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2011, Section 991d, as
15 amended by Section 1, Chapter 414, O.S.L. 2014 (22 O.S. Supp. 2018,
16 Section 991d), is amended to read as follows:

17 Section 991d. A. 1. When the court orders supervision by the
18 Department of Corrections, or the district attorney requires the
19 Department to supervise any person pursuant to a deferred
20 prosecution agreement, the person shall be required to pay a
21 supervision fee of Forty Dollars (\$40.00) per month during the
22 supervision period, unless the fee would impose an unnecessary
23 hardship on the person. In hardship cases, the Department shall
24 expressly waive all or part of the fee. The court shall make
payment of the fee a condition of the sentence which shall be

1 imposed whether the supervision is incident to the suspending of
2 execution of a sentence, incident to the suspending of imposition of
3 a sentence, or incident to the deferral of proceedings after a
4 verdict or plea of guilty. The Department shall determine methods
5 for payment of supervision fee, and may charge a reasonable user fee
6 for collection of supervision fees electronically. The Department
7 is required to report to the sentencing court any failure of the
8 person to pay supervision fees and to report immediately if the
9 person violates any condition of the sentence.

10 2. When the court imposes a suspended or deferred sentence for
11 any offense and does not order supervision by the Department of
12 Corrections, the offender shall be required to pay to the district
13 attorney a supervision fee of Forty Dollars (\$40.00) per month ~~as a~~.
14 The supervision fee ~~to~~ shall compensate the district attorney for
15 the actual act of supervising the offender during the applicable
16 period of supervision. The supervision fee shall be used strictly
17 for the purpose of effectively and efficiently supervising offenders
18 subject to supervision by the district attorney. In no event shall
19 any of the supervision fees collected by the district attorney be
20 used to defray other nonsupervision-related expenses or programs of
21 the office of the district attorney. In hardship cases, the
22 district attorney shall expressly waive all or part of the fee.

23 3. If restitution is ordered by the court in conjunction with
24 supervision, the supervision fee will be paid in addition to the

1 restitution ordered. In addition to the restitution payment and
2 supervision fee, a reasonable user fee may be charged by the
3 Department of Corrections to cover the expenses of administration of
4 the restitution, except no user fee shall be collected by the
5 Department when restitution payment is collected and disbursed to
6 the victim by the office of the district attorney as provided in
7 Section 991f of this title or Section 991f-1.1 of this title.

8 B. The Pardon and Parole Board shall require a supervision fee
9 to be paid by the parolee as a condition of parole which shall be
10 paid to the Department of Corrections. The Department shall
11 determine the amount of the fee as provided for other persons under
12 supervision by the Department.

13 C. Upon acceptance of an offender by the Department of
14 Corrections whose probation or parole supervision was transferred to
15 Oklahoma through the Interstate Compact Agreement, or upon the
16 assignment of an inmate to any community placement, a fee shall be
17 required to be paid by the offender to the Department of Corrections
18 as provided for other persons under supervision of the Department.

19 D. Except as provided in subsection A and this subsection, all
20 fees collected pursuant to this section shall be deposited in the
21 Department of Corrections Revolving Fund created pursuant to Section
22 557 of Title 57 of the Oklahoma Statutes. For the fiscal year
23 ending June 30, 1996, fifty percent (50%) of all collections
24 received from offenders placed on supervision after July 1, 1995,

1 shall be transferred to the credit of the General Revenue Fund of
2 the State Treasury until such time as total transfers equal Three
3 Million Three Hundred Thousand Dollars (\$3,300,000.00).

4 SECTION 2. This act shall become effective November 1, 2019.

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