

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 136

By: Thompson (Roger) and Boren
of the Senate

6 and

7 Ford of the House
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11 An Act relating to fees; amending 28 O.S. 2021,
12 Section 153, as amended by Section 2, Chapter 237,
13 O.S.L. 2022 (28 O.S. Supp. 2022, Section 153), which
14 relates to costs in criminal cases; increasing
sheriff's fee for certain service; providing an
effective date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 28 O.S. 2021, Section 153, as
19 amended by Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2022,
20 Section 153), is amended to read as 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
5 influence of alcohol or other
6 intoxicating substance, whether charged
7 individually or conjointly 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~~ (\$150.00), or
22 mileage as
23 established by the
24 Oklahoma Statutes,

1 offense for driving under the influence of alcohol or other
2 intoxicating substance.

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

8 E. In addition to the amount collected pursuant to paragraphs 1
9 through 6 of subsection A of this section, the sum of Ten Dollars
10 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
11 Account in the county in which the conviction occurred for the
12 purpose of enhancing existing or providing additional courthouse
13 security.

14 F. In addition to the amounts collected pursuant to paragraphs
15 1 through 6 of subsection A of this section, the sum of Three
16 Dollars (\$3.00) shall be assessed and credited to the Office of the
17 Attorney General Victim Services Unit.

18 G. In addition to the amounts collected pursuant to paragraphs
19 1 through 6 of subsection A of this section, the sum of Three
20 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
21 Multidisciplinary Account. This fee shall not be used for purposes
22 of hiring or employing any law enforcement officers.

23 H. In addition to the amount collected pursuant to paragraphs 5
24 and 6 of subsection A of this section, the sum of Fifteen Dollars

1 (\$15.00) shall be assessed in every misdemeanor or felony case for
2 each offense of driving under the influence of alcohol or other
3 intoxicating substance and credited to the Oklahoma Impaired Driver
4 Database Revolving Fund created pursuant to Section 11-902d of Title
5 47 of the Oklahoma Statutes.

6 I. Prior to conviction, parties in criminal cases shall not be
7 required to pay, advance, or post security for the issuance or
8 service of process to obtain compulsory attendance of witnesses.

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

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

14 1. A court clerk issuing a misdemeanor warrant is entitled to
15 ten percent (10%) of the sheriff's service fee, provided for in
16 paragraph 9 of subsection A of this section, collected on a warrant
17 referred to the contractor for the misdemeanor warrant notification
18 program governed by Sections 514.4 and 514.5 of Title 19 of the
19 Oklahoma Statutes. This ten-percent sum shall be deposited into the
20 issuing Court Clerk's Revolving Fund, created pursuant to Section
21 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
22 the warrant with the balance of the sheriff's service fee to be
23 deposited into the Sheriff's Service Fee Account, created pursuant
24 to the provisions of Section 514.1 of Title 19 of the Oklahoma

1 Statutes, of the sheriff in the county in which service is made or
2 attempted. Otherwise, the sheriff's service fee, when collected,
3 shall be deposited in its entirety into the Sheriff's Service Fee
4 Account of the sheriff in the county in which service is made or
5 attempted;

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

8 3. The witness fees paid by the district attorney pursuant to
9 the provisions of Section 82 of this title which, if collected by
10 the court clerk, shall be transferred to the district attorney's
11 office in the county where witness attendance was required. Fees
12 transferred pursuant to this paragraph shall be deposited in the
13 district attorney's maintenance and operating expense account;

14 4. The fees provided for in subsection C of this section shall
15 be forwarded to the District Attorneys Council Revolving Fund to
16 defray the costs of prosecution; and

17 5. The following amounts of the fees provided for in paragraphs
18 2, 3, 5 and 6 of subsection A of this section, when collected, shall
19 be deposited in the Trauma Care Assistance Revolving Fund, created
20 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
21 Oklahoma Statutes:

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

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

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

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

10 L. As used in this section, "convicted" means any final
11 adjudication of guilt, whether pursuant to a plea of guilty or nolo
12 contendere or otherwise, and any deferred judgment or suspended
13 sentence.

14 M. A court clerk may accept in payment for any fee, fine,
15 forfeiture payment, cost, penalty assessment or other charge or
16 collection to be assessed or collected by a court clerk pursuant to
17 this section a nationally recognized credit card or debit card or
18 other electronic payment method as provided in paragraph 1 of
19 subsection B of Section 151 of this title.

20 N. Upon receipt of payment of fines and costs for offenses
21 charged prior to July 1, 1992, the court clerk shall apportion and
22 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

23 SECTION 2. This act shall become effective July 1, 2023.

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
7 04/19/2023 - DO PASS.
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