

1 **SENATE FLOOR VERSION**

2 February 7, 2023

3 SENATE BILL NO. 136

By: Thompson (Roger)

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

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

15 SECTION 1. AMENDATORY 28 O.S. 2021, Section 153, as
16 amended by Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2022,
17 Section 153), is amended to read as follows:

18 Section 153. A. The clerks of the courts shall collect as
19 costs in every criminal case for each offense of which the defendant
20 is convicted, irrespective of whether or not the sentence is
21 deferred, the following flat charges and no more, except for
22 standing and parking violations and for charges otherwise provided
23 for by law, which fee shall cover docketing of the case, filing of
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1 all papers, issuance of process, warrants, orders, and other
2 services to the date of judgment:

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

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

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

20 4. For each defendant convicted of a
21 felony, other than for driving under the
22 influence of alcohol or other
23 intoxicating substance, whether charged
24 individually or conjointly with others.....\$103.00

- 1 5. For each defendant convicted of the
2 misdemeanor of driving under the
3 influence of alcohol or other
4 intoxicating substance, whether charged
5 individually or conjointly with others.....\$433.00
- 6 6. For each defendant convicted of the
7 felony of driving under the influence of
8 alcohol or other intoxicating substance,
9 whether charged individually or
10 conjointly with others.....\$433.00
- 11 7. For the services of a court reporter at
12 each preliminary hearing and trial held
13 in the case.....\$20.00
- 14 8. For each time a jury is requested.....\$30.00
- 15 9. A sheriff's fee for serving or
16 endeavoring to serve each writ, warrant,
17 order, process, command, or notice or
18 pursuing any fugitive from justice
- 19 a. within the county..... ~~\$50.00~~ (\$150.00), or
20 mileage as
21 established by the
22 Oklahoma Statutes,
23 whichever is
24 greater, or

b. outside of the county..... ~~\$50.00~~ (\$150.00), or
actual, necessary
expenses, whichever
is greater

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 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 Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense; the sum of Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense for driving under the influence of alcohol or other intoxicating substance; the sum of Fifty Dollars (\$50.00) shall be assessed and collected in every felony case for each offense; and the sum of Fifty Dollars (\$50.00) shall be assessed and collected in every felony case for each offense for driving under the influence of alcohol or other intoxicating substance.

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

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

12 F. In addition to the amounts collected pursuant to paragraphs
13 1 through 6 of subsection A of this section, the sum of Three
14 Dollars (\$3.00) shall be assessed and credited to the Office of the
15 Attorney General Victim Services Unit.

16 G. In addition to the amounts collected pursuant to paragraphs
17 1 through 6 of subsection A of this section, the sum of Three
18 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
19 Multidisciplinary Account. This fee shall not be used for purposes
20 of hiring or employing any law enforcement officers.

21 H. In addition to the amount collected pursuant to paragraphs 5
22 and 6 of subsection A of this section, the sum of Fifteen Dollars
23 (\$15.00) shall be assessed in every misdemeanor or felony case for
24 each offense of driving under the influence of alcohol or other

1 intoxicating substance and credited to the Oklahoma Impaired Driver
2 Database Revolving Fund created pursuant to Section 11-902d of Title
3 47 of the Oklahoma Statutes.

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

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

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

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

1 shall be deposited in its entirety into the Sheriff's Service Fee
2 Account of the sheriff in the county in which service is made or
3 attempted;

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

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

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

15 5. The following amounts of the fees provided for in paragraphs
16 2, 3, 5 and 6 of subsection A of this section, when collected, shall
17 be deposited in the Trauma Care Assistance Revolving Fund, created
18 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
19 Oklahoma Statutes:

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

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
6 February 7, 2023 - DO PASS
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