

BILL SUMMARY

1st Session of the 60th Legislature

Bill No.:	HB1460
Version:	FA1
Request Number:	13359
Author:	Rep. West (Tammy)
Date:	3/27/2025
Impact:	GRF: Revenue Negative
	FY26 estimate: -\$6.4M
	FY27 and onward: -\$9.2M to -\$10.7M annually
	DOC: Unknown annual revenue decrease
	OBN: \$20,000 - \$25,000 annual revenue decrease
	DPS: \$111,318.09 annual revenue decrease
	AOC: \$1,392,031+ annual revenue decrease
	ODMHSAS: Unknown annual revenue decrease

Research Analysis

The Committee Substitute to HB 1460 removes the ability to assess and collect various fees on defendants. The measure removes the following fee assessments:

- ~~\$150 forensic or laboratory services fee;~~
- ~~\$5 misdemeanor possession marijuana or drug paraphernalia fee;~~
- ~~\$150 DNA fee for certain offenses;~~
- ~~\$40 monthly community sentence supervision fee;~~
- ~~\$300 monthly electronic monitoring fee;~~
- ~~\$40 monthly district attorney non-supervision fee;~~
- ~~\$15 DUI fee;~~

~~The measure repeals~~

~~[20 O.S. Section 1313.6](#) relating to \$155 assessment for all DUI offenses.~~

~~[22 O.S. Section 991d](#) relating to \$40 supervision fee.~~

~~[47 O.S. Section 11-403.1](#) relating to \$1,000 assessment for failure to yield causing a fatality or serious bodily injury.~~

Changes made in the Floor Substitute:

Restored the \$150 forensic or laboratory services fee;

Restored the \$150 DNA fee;

Deletes language relating to assessment for illegal drug lab clean up;

Adds section to delete requirement that a person applying for indigent representation to pay a \$40 application fee to the court clerk;

Adds section to delete requirement that person found guilty of a DUI offense pay \$100 to the Drug Abuse Education and Treatment Revolving Fund;

Adds section to delete requirement that requires person found guilty of a drug offense to pay \$100 to the Drug Abuse Education and Treatment Revolving Fund.

The Floor Substitute removes the Repealed sections.

Prepared By: Brad Wolgamott

Fiscal Analysis

The CS to HB1460 removes from the sentencing powers of the court the ability to impose the District Attorney's Supervision Fee.

District Attorneys Council (DAC): Officials with the DAC have provided the following information:

AFFECTED DAC FUNDS

- None, however this would affect the State General Revenue Fund (GRF).

REVENUE IMPACT

- GRF: -\$9.2M to -\$10.7M annually

ASSUMPTIONS – BASED ON

- The collections recorded in PeopleSoft Financials are:
 - FY22 (07/01/2021 – 06/30/2022) - \$10,664,391.70
 - FY23 (07/01/2022 – 06/30/2023) - \$9,990,340.40
 - FY24 (07/01/2023 – 06/30/2024) - \$9,684,720.68
 - FY25 **1st half** (07/01/2024 – 12/31/2024) - \$4,811,717.28
- Current year collections are roughly in line with FY2024 collections, so FY2025 is projected to collect roughly the same as FY2024 (i.e. roughly \$9.6M). However, collections have also been declining over the years (6% reduction between FY2022 & FY2023, and 3% reduction between FY2023 & FY2024).
- HB1460 would be effective in November of 2025. Assuming checks stop being submitted by court clerks on that date, then the estimated fiscal impact for FY2026 would be roughly \$6.4 million less to the general revenue fund, with an additional roughly \$9.6 million less annually thereafter, potentially as low as \$9.2 million based upon recent trends.

The revenue impact to the GRF could be an estimated -\$9.2M to -\$10.7M annually beginning in FY27. Therefore, HB1460 in its current form is anticipated to have *an overall negative revenue impact on the State's General Revenue Fund.*

Department of Corrections (DOC): Officials with the DOC have provided the following information:

The CS to HB1460 will *reduce the 200 fund collections of the DOC by approximately \$3,000,000 annually and DOC would use existing budgetary resources to absorb the impact.*

Oklahoma Bureau of Narcotics and Dangerous Drugs (OBN): Officials with OBN have provided the following information:

Eliminating the \$5 misdemeanor possession marijuana or drug paraphernalia fee would result in a \$20,000 - \$25,000 annual decrease in revenue for the agency. This could be absorbed without much difficulty by using existing budgetary resources.

Therefore, as a result of the CS to HB1460, the *OBN would absorb a roughly \$20,000 - \$25,000 annual revenue decrease.*

Oklahoma State Bureau of Investigation (OSBI): Officials with OSBI have provided the following information:

The fees that are deleted by the CS to HB1460 provide between \$700,000 - \$900,000 annually to the agency. *Losing this revenue would have a significant impact on the OSBI budget, and the agency may seek additional funding to defray this loss in revenue.*

Department of Public Safety (DPS): Officials with DPS have provided the following information:

The CS to HB1460 would affect revenues collected by the DUI Database Fund. The previous 3 years of collections, and the current year-to-date collections for FY25 are as follows:

FY2022 = \$122,832.93

FY2023 = \$135,270.79

FY2024 = \$75,850.56

FY2025 (YTD as of 2/21/25) = \$44,758.05

This averages to *\$111,318.09 in annual revenue to DPS that would be lost, and the agency would use existing budgetary resources to absorb this impact.*

Administrative Office of the Courts (AOC): Officials with the AOC have provided the following revised information:

Based on a review of the FY24 data, the District Courts would have a \$835,219 fiscal impact and the Court Clerk's at the local level would have a \$556,812 fiscal impact. The impact to the District Courts is the total of these two numbers since the Court Clerks would theoretically have to use funds that would have been submitted to the State Judicial Fund to offset the loss of this admin fee; therefore, the combined impact to the District Courts is \$1,392,031 as a result of decreased annual revenues from fines that were previously collected.

The CS removes Section 2 from the previous version of the measure. According to officials with DAC, Section 2 related to several provisions of 22 O.S. 988.9 which included fines and fees for supervision that went to the DOC. There would still be language in 22 O.S. 988.9 that would allow for the courts to assess any amount of fines/fees for supervision, but removing Section 2 from the measure would effectively eliminate the supervision fees that are going to DOC. At most, this could lessen the total impact of the bill by \$3,000,000, however the true amount is likely to be less than this depending on how the modified language is administered. Additionally, the DOC had already planned to absorb this loss in revenue.

Therefore, based on the current form of the measure, *the total revenue loss to the state is approximately \$12,275,849.09, and various agencies may still seek appropriations to defray this loss in revenue.*

The FA1 restores some fees collected by OSBI that were being deleted or removed, and further deletes other fines and fees that were being collected by OSBI, the AOC, ODMHSAS. If all of the fees pertaining to OSBI were fully restored, then the impact would be reduced by a maximum of \$900,000. However, the net change is unknown based upon the additional collections newly deleted by the FA1 which have not been analyzed yet. Therefore, the overall fiscal impact may be reduced to \$11,375,849.09 by restoring some collections to OSBI, but the net change is unknown.

Prepared By: Robert Flipping IV, House Fiscal Staff

Other Considerations

None.

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