

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2127

By: Kannady

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5
6 AS INTRODUCED

7 An Act relating to fees; amending 28 O.S. 2021,
8 Section 101, as amended by Section 4, Chapter 247,
9 O.S.L. 2023 (28 O.S. Supp. 2024, Section 101), which
10 relates to court financial obligations in criminal
11 cases; describing certain failure to pay
12 circumstances; requiring judgment be entered;
13 providing for stay of judgment under certain
14 circumstances; excluding certain judgment from
15 unenforceability provision; prohibiting imprisonment
16 for failure to pay; amending 19 O.S. 2021, Section
17 514.4, as last amended by Section 1, Chapter 211,
18 O.S.L. 2024 (19 O.S. Supp. 2024, Section 514.4),
19 which relates to court cost compliance program;
20 adding certain judgment to court cost compliance
21 program; and providing an effective date.

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

23 SECTION 1. AMENDATORY 28 O.S. 2021, Section 101, as
24 amended by Section 4, Chapter 247, O.S.L. 2023 (28 O.S. Supp. 2024,
Section 101), is amended to read as follows:

25 Section 101. A. The fees herein provided for the clerk of the
26 district court and the sheriff, as provided in this section, and all
27 costs in the prosecution of all criminal actions shall, in case of
28 conviction of the defendant, be adjudged a part of the penalty of

1 the offense of which the defendant may be convicted, whether the
2 punishment for such offense be either imprisonment, or fine, or
3 both, and fixed either by the verdict of the jury, or judgment of
4 the court, trying the case, ~~and if the defendant shall refuse to pay~~
5 ~~the court financial obligations, the payment of such fees and costs,~~
6 ~~in addition to the payment of the fine assessed, shall be enforced~~
7 ~~by imprisonment until the same shall be satisfied at a rate of up to~~
8 ~~One Hundred Dollars (\$100.00) per day of such fees and costs, or~~
9 ~~fine, or both, or shall be satisfied at a rate of up to Two Hundred~~
10 ~~Dollars (\$200.00) per day of such fees and costs, or fine, or both,~~
11 ~~should the defendant perform useful labor. If, at the time of~~
12 sentencing or anytime thereafter, the defendant is ~~without~~ either:

13 1. Without the means to pay in full the fine fines, fees or,
14 and/or costs; or

15 2. Has the means to pay in full the fines, fees, and/or costs
16 but refuses to pay in full the fines, fees, and/or costs, the total
17 amount owed ~~may~~ shall be entered as a judgment and thereupon the
18 same remedies shall be available for the enforcement of the judgment
19 as are available to any other judgment creditor.

20 B. If a judgment is issued pursuant to paragraph 1 of
21 subsection A of this section and the defendant has executed an
22 installment payment agreement with the court cost compliance liaison
23 to pay in full the fines, fees, and/or costs, the court cost
24 compliance liaison shall stay all remedies available for the

1 enforcement of the judgment. If the defendant fails to make an
2 installment payment, the stay shall be lifted without notice to the
3 defendant.

4 C. A judgment issued pursuant to this section shall not become
5 unenforceable as set forth in Section 735 of Title 12 of the
6 Oklahoma Statutes.

7 D. No defendant shall be imprisoned for their inability to pay
8 finances, fees, and/or costs.

9 E. The term "all costs in the prosecution of all criminal
10 actions", as used in this section, shall include all court financial
11 obligations as defined in Section 983 of Title 22 of the Oklahoma
12 Statutes.

13 SECTION 2. AMENDATORY 19 O.S. 2021, Section 514.4, as
14 last amended by Section 1, Chapter 211, O.S.L. 2024 (19 O.S. Supp.
15 2024, Section 514.4), is amended to read as follows:

16 Section 514.4. A. 1. Effective November 1, 2023, there is
17 hereby established a court cost compliance program. The purpose of
18 the program shall be to assist county sheriffs and the courts of
19 this state with the collection of fines, costs, fees, and
20 assessments associated with any case in which a warrant has been
21 issued or a judgment has been entered pursuant to Section 1 of this
22 act and the case has been referred to the court cost compliance
23 program pursuant to Section 983 of Title 22 of the Oklahoma
24 Statutes.

1 2. County sheriffs of any county in this state may contract
2 with a statewide association of county sheriffs to administer
3 contracts with third parties who shall be known as court cost
4 compliance liaisons. The court cost compliance liaison may assist
5 with attempting to locate and notify persons of their outstanding
6 misdemeanor or cost-related warrants and recover and maintain
7 accounts relating to past due fines, fees, costs, and assessments.
8 County sheriffs contracting with a statewide association of county
9 sheriffs for the administration of third-party contracts may assign
10 their rights and duties regarding these contracts to the
11 association.

12 B. A person may make payment directly to the court, as allowed
13 by law, or the court cost compliance liaison, as allowed, shall be
14 authorized to accept payment on misdemeanor or cost-related warrants
15 on all cases referred pursuant to Section 983 of Title 22 of the
16 Oklahoma Statutes by various means including but not limited to
17 payment by phone, mail, or Internet, and in any payment form
18 including but not limited to personal, cashier's, traveler's,
19 certified, or guaranteed bank check, postal or commercial money
20 order, nationally recognized credit or a debit card, or other
21 generally accepted payment form. Any payment collected and received
22 by the court cost compliance liaison shall be paid to the court
23 clerk of the court that issued the warrant within fifteen (15) days
24 after receipt of the payment and proof of funds. Any payment

1 collected and received by the court, where the court has referred
2 the case to a court cost compliance liaison, shall be reported to
3 the court cost compliance liaison within four (4) days of receipt of
4 the payment. Any payment returned due to insufficient funds shall
5 have all insufficient fund charges incurred added to the outstanding
6 balance of the defendant. If a credit card payment taken by a court
7 cost compliance liaison is determined to be a fraudulent use of the
8 credit card by the payor and the payment is reversed by the credit
9 card company or payor's bank, the court clerk shall reverse the
10 transaction upon notification, return the payment to the court cost
11 compliance liaison, and the court cost compliance liaison shall
12 continue the collection process until paid. The court clerk shall
13 add any additional fees for the reversal of the transaction plus the
14 administration fees to the outstanding balance of the defendant.
15 Court cost compliance liaisons shall inform individuals of their
16 right to a cost hearing as provided in Section 983 of Title 22 of
17 the Oklahoma Statutes.

18 C. As provided for by this section, a person may pay in lieu of
19 appearance before the court and such payment accepted by the court
20 shall constitute a finding of guilt as though a plea of nolo
21 contendere had been entered by the defendant as allowed by law and
22 shall function as a written, dated, and signed plea form acceptable
23 to the court. Such payment shall serve as a written waiver of a
24 jury trial.

1 D. The court shall release or recall the outstanding
2 misdemeanor or cost-related warrant upon receipt of all sums due
3 pursuant to the warrant including the misdemeanor or cost-related
4 warrant, scheduled fine or sum due, all associated fees, costs and
5 statutory penalty assessments, and the administrative cost pursuant
6 to Section 514.5 of this title, or with a mutually agreeable monthly
7 payment plan and a down payment set at the discretion of the court
8 at an amount no less than One Hundred Dollars (\$100.00) or by order
9 of the court. A single down payment shall be sufficient to recall
10 all cost-related warrants against a defendant pending in a single
11 jurisdiction.

12 E. The provisions of any contract entered into by a county
13 sheriff shall be administered by a statewide association of county
14 sheriffs in Oklahoma.

15 F. The provisions of this section and Section 514.5 of this
16 title shall be applicable to:

17 1. Any misdemeanor or cost-related warrant issued pursuant to
18 Section 983 of Title 22 of the Oklahoma Statutes or relating to any
19 proceeding pursuant to the State and Municipal Traffic, Water
20 Safety, and Wildlife Bail Bond Procedure Act;

21 2. Any misdemeanor or cost-related warrant issued that allows a
22 defendant to resolve the matter by payment in lieu of a personal
23 appearance in court; and
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1 3. Any cost-related warrant issued in a criminal case.

2 SECTION 3. This act shall become effective November 1, 2025.

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