

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1405

 By: Humphrey of the House

5 and

6 **Bullard** of the Senate

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9 AS INTRODUCED

10 An Act relating to criminal procedure; amending 22
11 O.S. 2011, Section 991d, as amended by Section 1,
12 Chapter 414, O.S.L. 2014 (22 O.S. Supp. 2018, Section
13 991d), which relates to supervision fees; clarifying
 purpose of supervision fee collected by district
 attorneys; and providing an effective date.

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

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

20 Section 991d. A. 1. When the court orders supervision by the
21 Department of Corrections, or the district attorney requires the
22 Department to supervise any person pursuant to a deferred
23 prosecution agreement, the person shall be required to pay a
24 supervision fee of Forty Dollars (\$40.00) per month during the

1 supervision period, unless the fee would impose an unnecessary
2 hardship on the person. In hardship cases, the Department shall
3 expressly waive all or part of the fee. The court shall make
4 payment of the fee a condition of the sentence which shall be
5 imposed whether the supervision is incident to the suspending of
6 execution of a sentence, incident to the suspending of imposition of
7 a sentence, or incident to the deferral of proceedings after a
8 verdict or plea of guilty. The Department shall determine methods
9 for payment of supervision fee, and may charge a reasonable user fee
10 for collection of supervision fees electronically. The Department
11 is required to report to the sentencing court any failure of the
12 person to pay supervision fees and to report immediately if the
13 person violates any condition of the sentence.

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

1 the office of the district attorney. In hardship cases, the
2 district attorney shall expressly waive all or part of the fee.

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

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

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

23 D. Except as provided in subsection A and this subsection, all
24 fees collected pursuant to this section shall be deposited in the

1 Department of Corrections Revolving Fund created pursuant to Section
2 557 of Title 57 of the Oklahoma Statutes. For the fiscal year
3 ending June 30, 1996, fifty percent (50%) of all collections
4 received from offenders placed on supervision after July 1, 1995,
5 shall be transferred to the credit of the General Revenue Fund of
6 the State Treasury until such time as total transfers equal Three
7 Million Three Hundred Thousand Dollars (\$3,300,000.00).

8 SECTION 2. This act shall become effective November 1, 2019.
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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2019 - DO
11 PASS, As Coauthored.
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