

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 2909

By: Cleveland

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5
6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2011, Section 514.4, which relates
9 to sheriff contracts; specifying certain county
10 sheriff contracts may be administered by certain
11 associations; amending 19 O.S. 2011, Section 514.5,
12 which relates to administrative cost of misdemeanor
13 or failure-to-pay warrants referred to a contractor;
14 modifying amount of certain administrative costs;
15 modifying distribution of administrative costs; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 19 O.S. 2011, Section 514.4, is
19 amended to read as follows:

20 Section 514.4 A. Notwithstanding any other section of law, the
21 county sheriffs of any Oklahoma county may enter into a private
22 contract, pursuant to Section 85.41 of Title 74 of the Oklahoma
23 Statutes. Such contract shall require the contractor to attempt to
24 locate and notify persons of their outstanding misdemeanor or
failure-to-pay warrants.

B. A person may make payment directly to the court, as allowed
by law, or the contractor shall be authorized to accept payment on

1 misdemeanor or failure-to-pay warrants by various means including,
2 but not limited to, payment by phone, mail, or Internet, and in any
3 payment form including, but not limited to, personal, cashier's,
4 traveler's, certified, or guaranteed bank check, postal or
5 commercial money order, nationally recognized credit or a debit
6 card, or other generally accepted payment form. Any payment
7 collected and received by the contractor shall be paid within
8 fifteen (15) days to the court clerk of the entity that issued the
9 outstanding misdemeanor or failure-to-pay warrant.

10 C. As provided for by this section, a person may pay in lieu of
11 appearance before the court and such payment accepted by the court
12 shall constitute a finding of guilty as though a plea of nolo
13 contendere had been entered by the defendant as allowed by law and
14 shall function as a written, dated, and signed plea form acceptable
15 to the court. Such payment shall serve as a written waiver of a
16 jury trial.

17 D. The court shall release the outstanding misdemeanor or
18 failure-to-pay warrant upon receipt of all sums due pursuant to said
19 warrant including the misdemeanor or failure-to-pay warrant,
20 scheduled fine or sum due, all associated fees, costs and statutory
21 penalty assessments, and the administrative cost pursuant to Section
22 514.5 of this title.

23 E. The provisions of any contract entered into by a county
24 sheriff ~~shall~~ may, in the sole discretion of the sheriff, be

1 administered by a statewide association of county sheriffs in
2 Oklahoma. The county sheriff of any Oklahoma county may assign
3 their right to contract to the statewide association administering
4 the provisions of this contract.

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

7 1. Any misdemeanor or failure-to-pay warrant issued or relating
8 to any proceeding pursuant to the State and Municipal Traffic Bail
9 Bond Procedure Act;

10 2. Any misdemeanor or failure-to-pay warrant issued that allows
11 a defendant to resolve the matter by payment in lieu of a personal
12 appearance in court; and

13 3. Any failure-to-pay warrant issued in a criminal case.

14 SECTION 2. AMENDATORY 19 O.S. 2011, Section 514.5, is
15 amended to read as follows:

16 Section 514.5 A. Misdemeanor or failure-to-pay warrants
17 referred to the contractor pursuant to Section 514.4 of this title
18 shall include the addition of an administrative cost of up to thirty
19 percent (30%) of the outstanding misdemeanor or failure-to-pay
20 warrant, scheduled fine or sum due, and all associated fees, costs
21 and statutory penalty assessments. This administrative cost shall
22 not be waived ~~or reduced~~ except by order of the court.

23 B. The administrative cost reflected in subsection A of this
24 section, when collected, shall ~~be distributed to the association~~

1 ~~administering the provisions of the contract, a portion of which may~~
2 be used to compensate the contractor and, if the county sheriff
3 utilizes an association to administer the contract, the association.

4 C. The monies collected and disbursed shall be audited at least
5 once a year by a firm approved by the State Auditor and Inspector.

6 SECTION 3. This act shall become effective November 1, 2018.

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8 56-2-8270 AMM 01/12/18

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