

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 3160

By: Hickman, Sherrer and Hoskin
of the House

and

Griffin and Brooks of the
Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to court costs and fees; granting
12 courts authority to waive outstanding fines, court
13 costs and fees under certain circumstances;
14 prohibiting the waiver of restitution or child
15 support obligations; establishing reporting and
16 hearing requirements for persons owing fines, fees,
17 costs and assessments in criminal cases; authorizing
18 continuances for certain hearing; directing courts to
19 make certain inquiry regarding court-ordered
20 obligations; providing grace period for making
21 payments; directing the Court of Criminal Appeals to
22 promulgate certain rules; providing for codification;
23 and providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 983a of Title 22, unless there
is created a duplication in numbering, reads as follows:

1 A. On or after November 1, 2016, the court shall have the
2 authority to waive all outstanding fines, court costs and fees in a
3 criminal case for any person who:

4 1. Served a period of imprisonment in the custody of the
5 Department of Corrections after conviction for a crime;

6 2. Has been released from the custody of the Department of
7 Corrections;

8 3. Has complied with all probation or supervision requirements
9 since being released from the custody of the Department of
10 Corrections; and

11 4. Has made installment payments on outstanding fines, court
12 costs, fees and restitution ordered by the court on a timely basis
13 every month for the previous twenty-four (24) months following
14 release from the custody of the Department of Corrections.

15 B. The provisions of this section shall not apply to amounts
16 owed by the person for restitution to a victim pursuant to a court
17 order or child support obligations pursuant to a court order.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 983b of Title 22, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Any person released on parole or released without parole
22 from a term of imprisonment with the Department of Corrections shall
23 be required to report at a time not less than one hundred eighty
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1 (180) days after his or her release from the Department of

2 Corrections to:

3 1. The district court of the county from which the judgment and
4 sentence resulting in incarceration arose; and

5 2. All other district courts or municipal courts where the
6 person owes fines, fees, costs and assessments,

7 for the purpose of scheduling a hearing to determine the ability of
8 the person to pay fines, fees, costs or assessments owed by the

9 person in every felony or misdemeanor criminal case filed in a

10 district court or criminal case filed in a municipal court of this

11 state. Such hearing shall be held in accordance with the provisions

12 of Section VIII of the Rules of the Court of Criminal Appeals, 22

13 O.S. 2011, Ch. 18, App. A court may for good cause shown or in its

14 discretion continue such hearing for up to one hundred eighty (180)

15 days.

16 B. In determining the ability of the person to satisfy fines,

17 fees, costs or assessments owed to a district or municipal court,

18 the court shall inquire of the person at the time of the hearing

19 which counties and municipalities the person owes fines, fees, costs

20 or assessments in every felony or misdemeanor criminal case filed

21 against the person and shall consider all court-ordered debt,

22 including restitution and child support, in determining the ability

23 of the person to pay. The person shall not be required to pay any

24 outstanding fines, fees, costs or assessments prior to the

1 expiration of the one-hundred-eighty-day period; provided, however,
2 the person shall not be precluded from voluntarily making payment
3 toward the satisfaction of any fines, fees, costs or assessments due
4 and owing to a district or municipal court of this state.

5 C. The Court of Criminal Appeals shall promulgate rules
6 governing the provisions of this section including, but not limited
7 to:

8 1. Reporting, hearing and payment requirements as provided for
9 in subsections A and B of this section;

10 2. Consolidating district and municipal court fines, fees,
11 costs or assessments owed by a person into one order for payment;
12 and

13 3. Accepting and distributing payments received for fines,
14 fees, costs or assessments to various district and municipal courts
15 when consolidated by the court into one order for payment.

16 SECTION 3. This act shall become effective November 1, 2016.

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