

An Act

ENROLLED HOUSE
BILL NO. 3270

By: Mize, McDugle, and Fugate
of the House

and

Taylor of the Senate

An Act relating to criminal procedure; amending 22 O.S. 2021, Section 815, which relates to the dismissal of cases; removing requirement that defendants pay the costs in dismissed actions or indictments; amending 22 O.S. 2021, Section 983b, which relates to hearings that determine the ability of defendants to pay fines, fees, costs, or assessments; waiving fines, fees, costs, or assessments and hearing requirement for persons who provide proof of enrollment in federal or state government assistance programs; and providing an effective date.

SUBJECT: Criminal procedure

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 815, is amended to read as follows:

Section 815. A. The court may either of its own motion or upon the application of the district attorney, upon the furtherance of justice, order an action or indictment to be dismissed; but in that case the reasons of the dismissal must be set forth in the order, which must be entered upon the minutes.

B. The district attorney may dismiss an action or indictment by filing a notice of dismissal at any time prior to commencement of the preliminary hearing in the case of a felony or, in the case of a

misdemeanor, prior to the matter being set for trial. Any subsequent request for dismissal of an action or indictment by the district attorney must be made pursuant to the provisions of subsection A of this section. A defendant named in such action or indictment shall ~~only not~~ be required to pay the costs of that action ~~if agreed upon by the parties~~ unless the court exercises its discretion and the parties agree.

SECTION 2. AMENDATORY 22 O.S. 2021, Section 983b, is amended to read as follows:

Section 983b. A. Any person released on parole or released without parole from a term of imprisonment with the Department of Corrections shall be required to report at a time not less than one hundred eighty (180) days after his or her release from the Department of Corrections to:

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

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

for the purpose of scheduling a hearing to determine the ability of the person to pay fines, fees, costs or assessments owed by the person in every felony or misdemeanor criminal case filed in a district court or criminal case filed in a municipal court of this state. Such hearing shall be held in accordance with the provisions of Section VIII of the Rules of the Court of Criminal Appeals, 22 O.S. 2011, Ch. 18, App. A court may for good cause shown or in its discretion continue such hearing for up to one hundred eighty (180) days.

B. In determining the ability of the person to satisfy fines, fees, costs or assessments owed to a district or municipal court, the court shall inquire of the person at the time of the hearing which counties and municipalities the person owes fines, fees, costs or assessments in every felony or misdemeanor criminal case filed against the person and shall consider all court-ordered debt, including restitution and child support, in determining the ability of the person to pay. In calculating and determining the ability of a person to pay his or her fines, fees, costs, or assessments under the provisions of this subsection, any monies received from a federal or state government need-based assistance program shall not be counted as personal income to pay for the legal and financial

obligations owed to the court. The court may reduce a person's fines, fees, costs, or assessments if it is determined by the court that the person does not have the ability to pay the fines, fees, costs, or assessments. However, if the court determines that a reduction in the fines, fees, costs, or assessments is warranted, the court shall equally apply the same percentage reduction to the fines, fees, costs, or assessments owed by the person. The person shall not be required to pay any outstanding fines, fees, costs or assessments prior to the expiration of the one-hundred-eighty-day period; provided, however, the person shall not be precluded from voluntarily making payment toward the satisfaction of any fines, fees, costs or assessments due and owing to a district or municipal court of this state.

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

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

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

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

SECTION 3. This act shall become effective November 1, 2022.

Passed the House of Representatives the 24th day of March, 2022.

Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of April, 2022.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____