

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1401

By: Quinn

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.
8 2011, Section 28-123, which relates to municipal
9 courts of record; modifying maximum amount of certain
10 administrative fee; making language gender neutral;
11 updating statutory language; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 11 O.S. 2011, Section 28-123, is
15 amended to read as follows:

16 Section 28-123. A. All sentences of imprisonment shall be
17 executed by the chief of police of the city, and any person
18 convicted of a violation of any ordinance of the city and sentenced
19 to imprisonment shall be confined in the jail, farm or workhouse, of
20 the city, in the discretion of the court, for the time specified in
21 the sentence. All persons who shall be convicted in the court of
22 violation of any ordinance of the city and sentenced to pay a fine
23 and costs, who shall refuse to pay such fine or costs, shall be
24 imprisoned in the jail of the city for one (1) day for each Two
Dollars (\$2.00) of the fine and costs assessed.

1 B. The judge of the municipal criminal court of record imposing
2 a judgment and sentence, at ~~his~~ the judge's discretion, is empowered
3 to modify, reduce, or suspend or defer the imposition of such
4 sentence or any part thereof and to authorize probation for a period
5 not to exceed six (6) months from the date of sentence, under such
6 terms or conditions as the judge may specify. Upon completion of
7 the probation term following a deferred sentence, the defendant
8 shall be discharged without a court judgment of guilt, and the
9 verdict, judgment of guilty or plea of guilty shall be expunged from
10 the record and ~~said~~ the charge be dismissed with prejudice to any
11 further action. Upon a finding of the court that the conditions of
12 probation have been violated, the municipal judge may enter a
13 judgment of guilty.

14 C. The judge of the municipal court of record may continue or
15 delay imposing a judgment and sentence for a period of time not to
16 exceed one (1) year from the date of sentence. At the expiration of
17 such period of time the judge may allow the city attorney to amend
18 the charge to a lesser offense.

19 D. If a deferred sentence is imposed, an administrative fee of
20 ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00) may be
21 imposed as costs in the case.

22 SECTION 2. This act shall become effective November 1, 2018.
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