

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 193

By: Rader of the Senate

4 and

5 May of the House

6  
7  
8 AS INTRODUCED

9 An Act relating to counties and county officers;  
10 amending 19 O.S. 2011, Section 863.13A, which relates  
11 to fines and penalties; expanding list of regulations  
12 for which fines and penalties may be established and  
13 enforced; modifying fines and penalties for repeat  
14 violations; eliminating court appearance requirement;  
15 specifying types of effective delivery of citation;  
16 providing for not guilty pleas; authorizing request  
17 of court hearing within certain time; requiring that  
18 certain information be provided to the district  
19 attorney's office; and providing an effective date.

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1 B. 1. In addition to other powers and duties prescribed by  
2 law, a board of county commissioners shall have the power to  
3 establish and enforce fines and penalties for violation of its  
4 zoning, subdivision, storm water ~~and,~~ floodplain, health inspection,  
5 property maintenance and building regulations, including the  
6 issuance of citations by designated county personnel for violations  
7 of its zoning, subdivision, storm water ~~and,~~ floodplain, health  
8 inspection, property maintenance and building regulations. ~~A board~~  
9 ~~of county commissioners may additionally establish that any person~~  
10 ~~who fails to correct a violation for which a citation has been~~  
11 ~~issued within the period permitted for its correction may be~~  
12 ~~assessed a fine or penalty for each ensuing day during which such~~  
13 ~~failure or violation continues.~~

14 2. In issuing a citation pursuant to this subsection, the  
15 county employee shall proceed as follows:

16 a. the employee shall prepare a written citation ~~to~~  
17 ~~appear in court,~~ containing the name and address of  
18 the cited person and the violation/offense charged,  
19 ~~and stating when the person shall appear in district~~  
20 ~~court. The time to appear specified in the citation~~  
21 ~~shall be at least five (5) days after the issuance of~~  
22 ~~the citation, and~~

23 b. one copy of the citation ~~to appear~~ shall be delivered  
24 to the person cited, and ~~such person shall sign a~~

1 duplicate written citation ~~which~~ shall be retained by  
2 the county employee, ~~and~~

3 ~~e. as soon as practicable, one copy of the citation shall~~  
4 ~~be filed with the district court specified therein and~~  
5 ~~one copy delivered to the prosecuting attorney. The~~  
6 ~~delivery may be delivered personally, or by certified~~  
7 ~~mail or registered mail, to the address on file with~~  
8 ~~the county assessor's office or the last-known~~  
9 ~~address, or posted in a conspicuous place in or about~~  
10 ~~the property where the violation occurred.~~

11 3. If a person fails to ~~appear in district court at~~ pay by the  
12 designated time, a warrant for arrest shall be issued.

13 4. Violations and penalties shall be deemed misdemeanor  
14 offenses, punishable by a fine of up to Five Hundred Dollars  
15 (\$500.00) and up to ninety (90) days in jail. Repeated violations  
16 on the cited property may result in an increase of the fine up to  
17 One Thousand Dollars (\$1,000.00) per violation. Jurisdiction is  
18 hereby conferred upon the district court within the county.

19 5. Fines and penalties collected pursuant to this subsection  
20 shall be deposited in the appropriate county fund.

21 6. Issuance of citations and/or payment of fines or penalties  
22 shall in no way preclude other remedies or appropriate action or  
23 proceedings to prevent or remove a violation.

1        7. A person cited may plead not guilty to the charged violation  
2 and request a court hearing through the county court clerk's office  
3 within ten (10) business days of receiving the citation. If the  
4 person requests a court hearing, the district attorney's office  
5 shall be provided all the information, evidence, reports,  
6 photographs and all other materials related to the offense prepared  
7 by and in the custody of the designated county personnel who wrote  
8 the citation.

9            SECTION 2. This act shall become effective November 1, 2021.

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11            58-1-879            MR            12/29/2020 2:10:25 PM  
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