

THE STATE SENATE
Tuesday, March 23, 2010

ENGROSSED

House Bill No. 3242

ENGROSSED HOUSE BILL NO. 3242 - By: Derby of the House and Ballenger of the Senate.

An Act relating to counties and county officers; amending Sections 1 and 2, Chapter 254, O.S.L. 2003, as amended by Sections 2 and 3, Chapter 208, O.S.L. 2005 (19 O.S. Supp. 2009, Sections 514.4 and 514.5), which relate to outstanding warrants; modifying scope of certain contracts; modifying administrative costs for certain warrants; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 254, O.S.L. 2003, as amended by Section 2, Chapter 208, O.S.L. 2005 (19 O.S. Supp. 2009, Section 514.4), is amended to read as follows:

Section 514.4 A. Notwithstanding any other section of law, the county sheriffs of any Oklahoma county may enter into a private contract, pursuant to Section 85.41 of Title 74 of the Oklahoma Statutes. Such contract shall require the contractor to attempt to 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 misdemeanor or failure-to-pay warrants by various means including, but not limited to, payment by phone, mail, or Internet, and in any

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

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

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

21 E. The provisions of any contract entered into by a county
22 sheriff shall be administered by a statewide association of county
23 sheriffs in Oklahoma. The county sheriff of any Oklahoma county may

1 assign their right to contract to the statewide association
2 administering the provisions of this contract.

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

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

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

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

12 SECTION 2. AMENDATORY Section 2, Chapter 254, O.S.L.
13 2003, as amended by Section 3, Chapter 208, O.S.L. 2005 (19 O.S.
14 Supp. 2009, Section 514.5), is amended to read as follows:

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

1 B. The administrative cost reflected in subsection A of this
2 section, when collected, shall be distributed to the association
3 administering the provisions of the contract, a portion of which may
4 be used to compensate the contractor.

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

7 SECTION 3. This act shall become effective November 1, 2010.

8 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-22-10
9 - DO PASS.